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Dorothy THE *Harvey*
HISTORY
OF THE

Life of King Henry the Second,
And of the AGE in which he lived.

I N
FIVE BOOKS.

To which is prefixed,

A History of the Revolutions of ENGLAND,
From the Death of EDWARD the Confessor, to the Birth
of HENRY the Second.

By GEORGE Lord LYTTELTON.

VOL. II.



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THE
HISTORY
OF THE
LIFE
OF

King Henry the Second.

BOOK II.

THE death of Stephen was a favour of providence to the people of England, which saved them from many impending evils. The peace of the kingdom no longer depended upon the fictitious union of natural and irreconcilable enemies. Henry Plantagenet was now the unquestioned and sole king of England. Whatever secret schemes had been formed, or might be forming, to defeat his succession, they were entirely overthrown by this event. It has been mentioned before, that he was besieging a castle in Normandy which had revolted against him, when intelligence came to him that Stephen was dead. The lords of his council advised him to hasten to England, for fear his enemies should use the opportunity of his absence to excite some disorders; but he coolly replied, that they would not dare to do any thing, and could not be persuaded to raise the siege, till the castle had been forced to surrender at discretion, which it did

A. D. 1154.

v. Neubrig.
l. i. c. 32.

VOL. II.

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in a few days. Nor was his confidence vain: for he had established his power in England on such a solid foundation, and put the care of his interests into such safe and able hands, that his presence was not necessary: and this being the case, it was certainly wise in him, not to leave behind him any root of rebellion. It might indeed have been natural for so young a king to be more impatient to put on his royal robes: but the solidity of his mind gave no way to the impressions of vanity, and he preferred, upon all occasions, what was really great to the ostentation of greatness.

Chron. Norm.
P. 990.

Having entirely pacified Normandy he went to Rouen, and conferred with his mother, who prudently agreed to remain, as before, in that dutchy, and not go with him to England; thinking that her presence might hurt him there, as she was not beloved by the English; or feeling, perhaps, that it would not be agreeable to reside as a subject where she had reigned as a queen. Whatever right she had to the crown, a formal cession of it, in favour of her son, by any publick act, was not thought to be necessary, nor does it appear that he desired it: her acquiescence under what had been settled in the treaty at Winchester being esteemed by the nation, and even by her own most zealous friends, a sufficient release of the oaths they had taken to her, either in the life-time of her father, or after the battle of Lincoln. And Henry himself might think, according to the notions received in those days, that his title, in itself, was better than hers; as he was the nearest heir male to his grandfather, King Henry. Certain it is, that there was no renunciation declared on her part, nor resignation of her claim in his behalf: but his right of succession was left upon the foot of the treaty of agreement between him and Stephen. This great point being adjusted, he summoned all the barons and prelates of Normandy, to advise with them
upon

upon all that was proper to be done in the present emergency, particularly with regard to the affairs of that dutchy; but he seems to have confided the government of it entirely to Matilda, endeavouring thus to make her some amends for giving him no trouble in the kingdom of England: and it must be owned that she deserved the most thankful acknowledgements, and best returns in his power, on that account. For though it is certain, that, if she had attempted to contend with him for it, she would not have succeeded, yet by such a dispute she would have grievously embarrassed his piety and disturbed his quiet. But all being accommodated to their mutual satisfaction, Henry, and his two brothers, with Eleanor, and a most splendid train of nobility, repaired to Barfleur, at which port they intended to embark; but the winds being contrary, they were detained in that town a month, during all which time no disorders happened in England. The archbishop of Canterbury (Theobald) was eminently instrumental in thus preserving the peace of the realm, by the extraordinary diligence, prudence, and firmness, with which he acted at the head of a regency, or council of state, that had the care of the government till Henry should come over: but it was principally owing to the affection of the public, which the king had acquired, and to the dread of his power which awed the most factious spirits. Nevertheless he was uneasy at so long a delay; and the very first moment that the change of the wind would allow him to sail, he put out to sea in such weather, that his fleet was dispersed, and he was himself in some danger of being shipwrecked; but the storm abating, he landed in the New Forest, not far from Hurst castle, on the seventh of December in the year eleven hundred and fifty four, about six weeks after the death of Stephen. A. D. 1154.

Gerv. Chron.
Huntingdon.
sub. ann.
1154. New-
brig. l. i. c.
32. l. ii. c. 1.

Upon the king's arrival at Winchester, the nobles,
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the

the prelates, and gentry of England crowded from all parts of the kingdom to meet him, not only as their sovereign, but as their *deliverer*. His journey from thence to London seemed to be a continued triumphal procession; and that city itself, which had been always the most devoted to Stephen, received him with the highest marks of affection. A few days afterwards, on the nineteenth of December, he and his queen were crowned in Westminster abbey by the archbishop of Canterbury, without any such capitulation having been offered to him, as had been made with his predecessor, or any terms but the usual oath of the kings of England. This was sufficient to bind the conscience of a good prince; and recent experience had taught the nation, that they would not be able to restrain a bad one by any other form that could be devised. Nor was it consistent with reason or good policy, to suffer the oaths of allegiance to be limited by conditions; and declarations to be inserted into those oaths, that they should not be binding, unless such conditions were duly kept; as Stephen had allowed in the homage and fealty, which he received from the bishops and from Robert Earl of Gloucester. Indeed, a dissolution of all obligations on the part of the subject, by the sovereign's breaking those in which the relation between them consists, is implied in the very nature of feudal allegiance; nay, I might say, of all government and lawful subjection: but to set out with a supposition that such an odious case will exist, and make an express provision for it, is what the wisest free states have judiciously avoided. Henry therefore would not admit of any such expressions in the oaths taken to him; but brought them back to the usual form. Nor did he distinguish the clergy, in any respect, from his lay subjects, by favours conferred on them, as a body of men who had interests separate from those of the community. He would not encourage
faction

faction in any; much less in them, who ought to be the furthest removed from that evil, and who, in the late reign, had been carried by it so far out of the bounds of their sacred functions, to the detriment of the whole state, and greatly to the dishonour of religion itself. How much his predecessor had injured the commonwealth, and weakened the civil power, by the concessions made to the church at the beginning of his reign, he well understood, and avoided every thing which might seem to lay him under obligations of so dangerous a nature. Neither did he deign to apply to the pope, as Stephen had done, for a confirmation of his title; not having any need of such a support, and being sensible that Rome would avail herself of it against the independence and dignity of his crown. The much stronger pillars, on which he was determined to fix his throne, were the laws of his country and the love of his people. To gain that love, he did not stoop to the arts of low popularity: he neither debased the majesty of his crown, nor exhausted its treasures; he did not relax the vigour of government, nor plunge the nation into any excesses of riot or luxury; but dealt impartial justice to all his subjects, and let none be deprived of his royal goodness. The narrow and iniquitous spirit of party did not confine the benignity of his nature, nor the integrity, greatness, and candour of his mind, within its own limits. He saw that to raise again the glory of his kingdom, it was necessary first to restore concord and union among his people, to allay all heats, to quiet all fears, and to extinguish all memory of their former divisions. This he was able to effect; because no false principles or notions of government stood in his way, by the obstinacy of which a reconciliation of parties might be obstructed. His title was now universally acknowledged; and all attachment to the house of Blois seemed to have been buried in the grave of

King Stephen. He therefore thought it equally unjust, and unwise, to keep his resentments still alive. The conduct he held was such, as satisfied those, who had most violently opposed his mother, or himself, in the late civil war, that, by their concurrence in the treaty of Winchester, they had obtained his forgiveness, and might, by their future loyalty, aspire to the highest degree of his favour. Thus he happily prevented the rage of despair from disturbing his government, and healed those wounds, which a less gentle treatment, and a less skilful hand, would have rendered incurable. Nevertheless, in forgetting injuries he did not forget services; but eminently distinguished and rewarded the zeal of those friends, who had been the most faithful and able supports of his party.

Gerv. Chron.
sub. ann.
1155. Neu-
brig. l. ii. c.
2, 2, 3.

Soon after his coronation he met his great council, and advised with them concerning the state of his kingdom. The result of their deliberations was the instant execution of the treaty of Winchester, in those parts which his predecessor had left unperformed, beginning first with that capital article, the sending away the foreign troops. It was not without extreme reluctance that these mercenaries thought of leaving the kingdom. They had long been accustomed to riot on the spoils of it, and many of their officers had acquired great establishments there, particularly their general, William of Ipres; to whom the earldom of Kent had been given by Stephen, with all the wealth that the bounty of a most prodigal monarch could bestow on a favourite, who knew no scruples in obeying the will of his master, nor any moderation in enriching himself. Others had been rewarded, in proportion to their rank, with liberal grants, which the waste of the royal demesne, or the confiscations of the adverse party, had largely supplied. To part with all these emoluments, to give up the recompence of so many crimes, appeared to them

Vid. Fitzsteph.
& Camden
in Kent.

very

very hard; and they would willingly have prevented it by still greater crimes, if it had been in their power. But they could find no competitor to set up against Henry; William of Blois, Stephen's son, being too young, and too weak, in all respects, to undertake so perilous an enterprize; and no other nobleman having pretensions, or power, or discontent enough to engage with them, in any attempt against the king, or the peace of the kingdom.

Under these circumstances, this formidable body of veteran forces, who had so long been the terror of the people of England, began to fear for themselves, deprived, as they were, of all support, and exposed to the resentments of an injured, insulted, and high-spirited nation. The divisions that had weakened it in the preceding reign, and the protection of the crown, which was never withdrawn from them, had been their security; but they could not be able now, with the royal power against them, to withstand the united strength of the whole kingdom. One hope remained, viz. that Henry himself might accept of their services, and (as his predecessor had done) make them the instruments of arbitrary power. Examples are frequent of princes having recourse to those measures of government, as useful and necessary, which they had complained of, as national grievances, before they came to the throne. William of Ipres, who had been long experienced in affairs, and was too wicked to believe that any man could be virtuous, might therefore imagine, that Henry would think differently, when king of England, from what he had profest, at the head of the publick, in opposition to Stephen. But that prince was well convinced, that, to be a great king, he must continue at the head of the publick, and not degrade himself into the captain of a band of foreign mercenaries. He therefore determined to execute the resolutions of parliament against these

V. Newbrig.
ut supra.

men, and issued a proclamation commanding them all to leave the realm, on pain of death, before a certain day, appointed in the edict. When that day came, not one foreign soldier was to be found in the kingdom: All were vanished in an instant, like evil phantoms of the night, at the rising of the sun! Their general himself had gone with them, dispossessed of his earldom and other honours in England, the loss of which he bewailed with tears of rage; and, not able to bear this change of fortune, forsook the world, and became a monk at Laon in Flanders, where he died very penitent, in the year eleven hundred and sixty two.

See Dugdale
Baron. Kent.
& Camden's
Britan.

Gerv. Chron.
sub ann.
1155. New-
brig. ut su-
pra.

The honour of the nation, as well as its liberty and repose, seemed to be restored by this act, and by the proceedings of Henry in another affair of a like nature, the destroying the castles which Stephen had kept undemolished, against the faith he had given. All those that had been erected in the late reign were now burnt, or levelled to the ground; except a few, that, from their situation, were judged to be necessary for the defence of the kingdom. Whilst Henry was in the north, employed in performing this salutary work, William de Peverel, a great northern baron, who (as I have related in the preceding book) was accused of having poisoned the earl of Chester, conscious of his guilt and dreading the royal vengeance impending upon him, retired to a convent, as a stronger asylum than any of his castles: But when the king approached to his sanctuary, armed with all the majesty and terrors of justice, he durst not trust even to that; but fled out of the realm. He was immediately outlawed, and his lands were seized, as forfeited to the crown. Thus Henry revenged the death of the earl of Chester, and convinced other offenders, who in the reign of King Stephen had apprehended no punishment for the most heinous crimes, that it was his resolution they should not be safe even under

der the hood of a monk, nor within the protection of the altar itself.

But in his next undertaking he found greater difficulties. Stephen's extravagance and the insatiable demands of his faction had induced him to alienate so much of the ancient demesne of the crown, that the remaining estate was not sufficient to maintain the royal dignity. Some royal cities, and forts of great importance, had been also granted away, which could not be suffered to continue in the hands of the nobles to whom they had been given, without considerably impairing the strength of the crown, and no less endangering the peace of the kingdom. Policy and law concurred in demanding these concessions back again. The ancient demesne of the crown was held to be sacred, and, like the lands of the church, so inalienable, as that no length of time could give a right of prescription to any other possessors, even by virtue of grants from the crown, against the claim of succeeding princes. But all these alienations were of no earlier date than the reign of King Stephen; and, therefore, the resumption of them was free from those difficulties, and insuperable objections, that must necessarily attend the resuming of grants transmitted down through several generations.

Viñ. Sir Rob.
Co. tom. Opus
Pothum.
See also Fle-
ta, l. iii. c.
6. et Bracton
l. ii. c. 5.

For these reasons it had been agreed by a separate and secret article in the treaty of Winchester, that whatever lands, or possessions, had belonged to the crown, at the death of King Henry the First, should now be restored to it; except those that Stephen had granted to William his son, or had bestowed on the church. The latter exception was, doubtless, owing to the governing influence of the bishop of Winchester in that treaty. Nor durst the temporal barons, however dissatisfied, complain of a partiality, which was sanctified by the names of piety and religion. Among the resumable grants there were some of Matilda. For she too, acting

as

as sovereign, had followed the example set her by Stephen, in giving away certain parts of the estate of the crown, to reward her adherents. And much had been usurped by the barons of both parties, without any warrant but the licence of the times, or pretences that could not be justified, when they were legally examined: so that no article of the treaty of Winchester was either more just, or more necessary, than that, which stipulated a resumption of all these alienations. Nevertheless it had been absolutely neglected by Stephen, for the same reason, I suppose, as he had not fulfilled the other articles of that treaty, relating to the expulsion of all the foreign troops and the demolition of castles, because he sought to maintain a faction attached to himself, and was unwilling to withdraw his favours from persons, whose assistance he desired. Nothing else can account for so indigent a prince having been so remiss in this point. But Henry, who resolved to extinguish all factions, and was not obliged to court his nobles at the expence of his crown, as he meant to ask nothing of them inconsistent with their duty, saw the affair in other lights. He knew indeed that a resumption would raise much discontent in those affected by it, who were many and powerful: but he chose to stand their ill humour, with reason and law on his side, rather than to remain a needy king, or relieve his necessities by oppressing his people. Nor was he displeased to lessen by this means that exorbitant wealth, which rendered some of his subjects the rivals of his own greatness, and was as likely to make them rebels, as any resentment, this measure could excite. He therefore summoned a parliament, wherein almost all his nobles were present, and having properly laid before them the wants of the crown, the losses it had suffered, the illegality of the grants, and the urgent necessity of a speedy resumption, obtained their concurrence to it, and proceeded to put it in
immediate

Gerv. Chron.
sub. ann.
1155. Neu-
brig. l. ii. c.
2, 3, 4.

immediate execution. The spirit of faction was so much overawed by the vigour of his government, that he met with less opposition than he had reason to expect. Very near all that had been granted to laymen, or usurped by them, in any manner, from the royal demesne, was surrendered to him, without bloodshed, after a little delay, and some ineffectual marks of reluctance in a few of the greatest barons. The earl of Albemarle, whom Stephen had made earl of Yorkshire, and who had ruled that province with more authority than his master himself, could ill brook the being compelled to restore to the crown all he had gained from the weakness of it in the late reign. His connexions were powerful, his credit and interest very high and extensive. Nor had any other nobleman stronger castles, or vassals more warlike. But great as he was, he found, that he now had a sovereign, who was greater than he, and would equally reign in every part of his kingdom. Henry passed the Humber, and coming upon him while he was deliberating, brought him, by the terror that his presence inspired, to a quiet submission, and entire restitution of all his grants, particularly, of Scarborough castle, which he had rendered one of the finest and strongest in England. While this nobleman had been meditating a revolt in the north, his cousin german, Roger de Mortimer, acting in concert with him, had also determined to maintain his own title to the royal castles of Clebury, Wigmore, and Bridgenorth, which being situated on the borders of Wales, where he had great power, he hoped to defend them against all the force of the king, with the assistance of his northern confederate, and of the young earl of Hertford, son to the famous Milo, whom he had excited to join with them in this rebellion. That lord was much offended, that the son of Matilda should resume from him those grants, with which she had recompensed the
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V. Anthores
c. latus ut
sup.

the services of his father; services unquestionably great and meritorious. He thought it very unjust, that no difference should be made between the gratuities which an usurper had given to the king's enemies, for the encouragement of his faction, and the rewards which the king's mother had bestowed upon one, who, next to the earl of Gloucester, had been the chief support of her party. This reasoning appeared very specious; but it was impossible for Henry to pay any regard to it, without overturning the whole system on which he proceeded. The cause assigned for these resumptions was not a defect in the title of the grantor, (for on that foot it is apparent that Stephen himself could not have agreed to it) nor any unworthiness in those who had received such favours from that prince, but the necessity of recovering the just and inseparable rights of the crown. To have made a distinction between the grants of Matilda and Stephen would have done that which the king was most careful to avoid; it would have revived the former animosities, and carried an appearance of his acting from motives, not of royal oeconomy and publick expediency, but party-revenge: whereas, by this equal and impartial proceeding, he left the adherents of Stephen no cause to complain, or apprehend any ill-usage from him, in other respects, on account of their past conduct. And undoubtedly, if all distrusts of that nature had not been entirely removed by his prudence and candour, the peace of the nation could not have long continued. The earl of Hereford, therefore, had not, in reality, sufficient grounds for his quarrel: but heated by youth and the instigations of Mortimer he secretly left the court, with a resolution to defend the tower of Gloucester, and the castle of Hereford, against Henry's claim. As he was allied by his mother to the Welch, and had great estates in Wales, he procured some troops from that nation; and flattered himself

himself that, by acting in conjunction with Mortimer, he should be able to engage the whole strength of the marches, and counties adjacent to them, in the support of his cause. This insurrection might indeed have proved very troublesome and dangerous to the kingdom, especially if the earl of Albemarle had, according to his promise, taken up arms in the north. But Gilbert Foliot, bishop of Hereford, a wise and virtuous prelate, went to the earl of Hereford, whose kinsman he was, and so wrought upon him, by the force of his exhortations and arguments, that he persuaded him to stop on the brink of the precipice, and give up the two castles. Henry not only pardoned, but restored him to favour, remembering his father's merit, and knowing there was something so hard in his case, that it might reasonably excuse such a sally of passion, in a young man, who had an hereditary greatness of spirit. Thus was this strong confederacy broken: but Mortimer, though abandoned by both his friends, would not lay down his arms. Henry, incensed at his obstinacy, led a great army against him, with which, having divided it into three bodies, he at once assaulted the three castles of Clebury, Wigmore, and Bridgenorth; and though it was expected that each of them would stand a long siege, they were all surrendered to him in a short time. Before that of Bridgenorth, which was defended by Mortimer, he commanded in person, and exposed himself to so much danger, that he would have been slain, if a faithful vassal had not preferred his life to his own. For while he was busied in giving orders too near the wall, Hubert de St. Clare, constable, or governour, of Colchester castle, who stood by his side, seeing an arrow aimed at him by one of Mortimer's archers, stepped before him, and received it in his own breast. The wound was mortal: he expired in the arms of his master, recommending his daughter, an only child, and an infant, to the care of that prince. It is hard to say which most deserves

V. Radulphi
Nigri Chron-
icon Manu-
script. Bib.
Cotton. Vef
pasian. D. X.
1. f. 33. sub.
ann. 1165.

deserves admiration, a subject who died to save his king, or a king whose personal virtues could render his safety so dear to a subject, whom he had not obliged by any extraordinary favours! The daughter of Hubert was educated by Henry, with all the affection that he owed to the memory of her father, and when she had attained to maturity was honourably married to William de Longueville, a nobleman of great distinction, on condition of his taking the name of St. Clare, which Henry desired to perpetuate.

Mortimer, being constrained to surrender at discretion, expected no mercy from an exasperated sovereign, whose power he alone had presumed to defy. His fierce and haughty spirit now sunk, and bowed itself to humble supplications. Henry was satisfied, forgave him his revolt, and left him in free possession of all his honours and estates, except those only that belonged to the crown,

Thus was concluded this important and arduous business, in the prosecution whereof the king adorned the beginning of his reign with the most illustrious proofs of two royal virtues, by the happy union of which the honour, the peace, and the prosperity of a government are chiefly supported, *great firmness* and *great clemency*. The undertaking, most certainly, was full of difficulty and danger, even to the mightiest monarch; but besides the personal qualities which enabled Henry to act successfully in it, he was assisted by the general sense of the nation; and, with this on the side of government, no strength of private interest ever was an overmatch for the power of the crown steadily and wisely administered.

The present quiet of the kingdom being now well secured, it was proper to extend the care of the legislature to future times. Henry therefore called a parliament to meet him at Wallingford, soon after Easter, in the year eleven hundred and fifty five, which

which settled the succession of the crown, after his decease, upon his eldest son William, who was then but three years old; and, in case of the death of William (which happened soon afterwards) upon Prince Henry, a second son, born to him at London in the month of March this year. Oaths of fealty were accordingly taken to both; and we may undeniably infer from this, as well as many other facts, that no right of birth, how indisputable soever, was thought, in those days, a sufficient title to convey the succession, without a parliamentary acknowledgement of it, followed and confirmed by feudal engagements. For, if the crown had then descended of course to the eldest son of the king, it would not have been necessary to summon a parliament on this account. Henry indeed found no difficulty to obtain their consent. The Normans and English were equally desirous to fix their monarchy in the family of a well-beloved prince, who sprung from the kings of both nations. The faction of Stephen, if it still existed, was silent. Henry's respectable and popular government, his justice, his moderation, and the great kindness with which he treated them, when it could not possibly be imputed to any weakness or fear, took from them the inclination, as well as the ability, of opposing his will.

In this great flow of prosperity, when all difficulties gave way to his power and fortune, if he had desired to assume a despotick authority, he, probably, might have succeeded. For, there is no time of greater danger to liberty, than the first calm, that succeeds to a long continuance of intestine commotions. Besides a general dread in the body of the people of losing again their newly-recovered tranquillity, there is usually, in such a season, a contest between the two parties, which shall outgo the other in flattering, and making court to the prince; and those are most servile, who think they have most to fear, or least to hope, from their past behaviour.

behaviour. Henry might have availed himself of these dispositions, as other kings have done in a like situation : but he saw further, and judged better, than those who take such advantages to encrease their power. He well understood the temper of the nation, capable, perhaps, of submitting to absolute monarchy, in the first violent and thoughtless emotions of love or fear, but always incapable of enduring it long. And even supposing he could break the vigour of their spirit, and tame it to servitude, he knew that the master of a people so debased and dejected must necessarily himself be sunk by their vileness, and could not be a great king. These reflexions concurring with a generous sense of virtue, which appears to have been deeply fixed in his mind, he readily determined by what policy he should govern this kingdom. In another parliament, held at London soon after this time, or rather in the same, adjourned to that city, he granted to his people a *charter of liberties*, confirming that of his grandfather, King Henry the First.

See the
Charter in
the Appen-
dix.

Thus, by the magnanimity of this excellent prince, was the whole state of England, which had suffered alike by tyranny and by faction, completely re-established in those legal rights, that were the proper fences to guard it from both those evils. It was not indeed so well secured, either from the one, or the other, as it is by the wisdom of our present constitution : but, from the mixture of Saxon customs, which mitigated and tempered the Norman institutions, it was the best feudal government subsisting, at that time, in any part of the world. Nor was Henry content with having only restored good laws to his people. He did more ; he enforced the good execution of those laws. This was a task of no small difficulty, and which required the activity, the spirit, the resolution, and that fervour of zeal for the service of the publick, with which his mind

mind was endued. The *manners* of the nation were to be changed. During the reign of his predecessor for the law had been an empty name. Even where violence did not absolutely controul it, the partiality of party and the iniquity of the times corrupted the whole administration of justice. Appeals to the crown, the constitutional and necessary resource of the people against the too frequent injustice of the nobles, had lost their force. The king had not power to give the suitors the relief they demanded. Matilda's friends denied his authority, and against his own adherents he durst not exert it, lest it should provoke them to leave him. Nor were the lives of his subjects more secure than their properties. The sword of every ruffian was stronger than that of the magistrate, and the most notorious criminals found, not only protection, but reward and advancement, if to their private enormities they joined a remorseless and daring alacrity in carrying on the horrors of civil war. Upon the agreement between the chiefs of the two contending factions some check was given to these disorders: but the habits of licentiousness had gained too much strength to be quickly overcome. Henry applied his utmost endeavours to subdue them, and to accomplish the heroical work of restoring the purity and vigour of justice, and settling good order, good morals, and good discipline again in his kingdom. He attended personally at the judgement of all greater causes in his own court, and made frequent progresses into the several counties, that he might the better discover and remedy all abuses in the rural jurisdictions, or in the behaviour of the judges whom he sent thither, as his delegates, to administer justice. *He did not* (says a writer, to whom he was personally and intimately known) *sit still in his palace, as most other kings do, but going over the provinces explored the actions of all his subjects, chiefly judging those whom he had appointed the judges of others.* A constant sense of the

V. Neubrig.
l. ii. c. 1.
D. ceto sub
ann. 1154.
Brompton
sub ann.
1155 Petri
Blesensis
epist. 66. ad
Gualter.
ep. sup. Pa-
normit. in
Appendice.

V. Petrum
Blesens. ut
supra.

superintendence of the royal authority was thus kept up in the minds of his people ; and the power of the crown, which they had been used to despise or hate, was made both respectable and amiable to them : the intermediate powers, established by the system of the feudal constitution, were duly controuled ; and the disorder attending the abuse of those powers in the several parts of that system was prevented. The meanest peasant, who sued for justice against the highest nobleman, was favourably heard, and obtained from the king a speedy redress of his wrongs. Robbers and freebooters were put to death without mercy ; and every other breach of the peace was corrected by exemplary punishments ; so that even the most profligate were awed and restrained. Publick security being restored by this necessary rigour, and by the continued activity, vigilance, and firmness of the sovereign, in suppressing whatever had a tendency to produce intestine troubles, the farmer, and the husbandman, the merchant, and the manufacturer, returned to their occupations ; the towns and villages were repopled ; agriculture and commerce revived and flourished, virtue and religion were encouraged and promoted. Such were the consequences of Henry's beneficent government ; and thus he obtained the highest glory a king can obtain, that of having reformed a depraved and corrupted state !

In these affairs he was served ably (and to chuse able servants is the most necessary part of royal wisdom) by those he entrusted with the ministry. They were all persons whom approved and eminent merit recommended to his favour. Robert de Bel-lomont earl of Leicester was grand justiciary, a post not usually filled, in that age, by a layman ; or at least not by a layman, without some prelate being joined in commission with him : but Henry, who saw the clergy too powerful, did not think it advisable to strengthen them still more, by such an addition

tion of power as that office gave; desiring rather to make the authority of it a curb to that of the church. He therefore joined two laymen in the commission, the earl of Leiceſter and Richard de Lucy. The former was a perſon of great prudence, and yet of a reſolute ſpirit, very proper to maintain the rights of the ſtate againſt the attempts of the clergy and the pope; which he was the better enabled to perform, becauſe his known piety and the regularity of his life ſet him above the imputation of irreligion, uſually thrown in that age upon any of the laity who dared to reſiſt the uſurpations of Rome.

His colleague was a gentleman of conſiderable rank, and one who had diſtinguiſhed himſelf as a ſoldier, but joined to his valour, and military abilities, the knowledge of a lawyer and talents of a ſtateſman. In chuſing him to ſhare this office Henry gave a new proof of his not being influenced by the ſpirit of party, and of having entirely baniſhed thoſe reſentments, which a narrow mind, or a bad heart, would have retained and indulged. For Richard de Lucy had been highly in favour with Stephen, nor had he ever betrayed him or deſerted his ſervice. A little before the agreement of that king with Henry we find him in arms againſt the latter: and by an article of that treaty the tower of London and Windſor caſtle were put into his cuſtody; which muſt have been done at the deſire of Stephen. becauſe it appears that he gave no ſecurities for his fidelity to *him* in that truſt: whereas he was obliged to give his ſon to Henry, as a hoſtage for the delivery of thoſe forts to that prince after the death of the king. But it is probable that Henry approved the choice made by Stephen, from the reputation of integrity which Richard de Lucy had gained: and that character, with the abilities he ſoon diſcovered in him on a nearer acquaintance, was now the cauſe of his advancement to this high

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dignity.

dignity. His conduct in it justified the prudence of Henry. He was one of the faithfullest and best servants that any prince ever employed, useful in all business, and as fit to command an army, as to preside in a court of judicature, or a council of state.

The archbishop of Canterbury was treated by the king with great regard, and had a principal share in the administration of government, which he deserved by the services he had done that prince in affairs of the highest importance, and by the cordial affection which he bore to his person. He was a man whom experience and knowledge of business had made a minister of state rather than genius; having parts good enough to be esteemed, and not great enough to be feared, by his master. Yet, had he been of an enterprising temper, he would have given trouble to government: for whatever he undertook he pursued with an obstinate and undaunted resolution; as Stephen found to his cost on some occasions. But being now grown old and weary of faction, as well as disinclined to any quarrel with a sovereign whom he loved, he tried to keep the church and state as quiet as he could; which was all that Henry desired, till, by a continual and insupportable increase of the evils arising from the unwarranted pretensions of the clergy, he was compelled, for the sake of civil society, to attempt a reformation of those abuses.

On the recommendation of the primate, Thomas Becket was raised to the office of chancellor. This man, the most extraordinary of the age he lived in, and from the singularity of his character (to which there are few parallels in the history of mankind) deserving the notice of all ages, was born at London, in the year eleven hundred and seventeen. His father and ancestors (as he says himself in one of his epistles)

epistles) *were citizens there, who had lived contentedly and quietly among their fellow citizens, and were not the lowest among them.* It seems that his education was intended to qualify him for the church. We are told, that, during his childhood, his father put him to school in Merton abbey; and, when he had attained to manhood, sent him to finish his studies at Paris. After some time, he returned from thence to London, was employed as a clerk in the Portgreve's office there, and then introduced to the archbishop of Canterbury, who finding him a youth of uncommon parts, and being captivated with his graceful and winning address, gave him the livings of St. Mary le Strand and Otteford in Kent, and obtained for him two prebends in the cathedrals of London and Lincoln. These benefices he, probably, held by the pope's dispensation; (for he was yet only in deacon's orders) and desiring to qualify himself for greater preferments prevailed on his patron to send him to Bologna, the most famous university then in the world, especially for the study of the canon and civil laws, which of all sciences was most likely to procure his advancement, either in the church, or the state. After residing there a year, he went to Auxerre in Burgundy, where those laws were also taught; and returned into England no mean proficient in them, but with still superior talents for negociation; which the archbishop discovering, he dispatched him soon afterwards as his agent to the pope, on a point he thought of great moment, namely, to get the legantine power restored to the see of Canterbury. This commission was performed with such dexterity and success, that the archbishop entrusted to him all his most secret intrigues with the court of Rome, and particularly a matter of the highest importance to England, the soliciting from the pope those prohibitory letters against the crowning of prince Eustace, by which that design was defeated. There was great diffi-

Epist. 108.
l. i. Bruxell.
edition.

Quadrilogus
five Historia
Quadrupartita.
Vit. et
proc. S. Thomæ
Cantuar.
Mar. &c.
edit. Paris.
ann. 1495.

Quadrilogus.
Gerv. æt.
Pontif. Cantuar.
de
Theobaldo
et S. Thomæ.

Vit. et proc.
S. Thomæ,
ut supra.

Gerv. ut supra.

culty in conducting this business : for, though Eugenius the Third, who then held the pontificate, had quarrelled with Stephen, yet as the election of that monarch had been ratified by the papal authority, it was very prejudicial to the honour of Rome, that he should be declared, by the same authority, a perjured usurper. Nor, indeed, was it the interest of that see to cooperate, in supporting the pretensions of Henry Plantagenet, against the son of Stephen, if it desired to maintain the encroachments it had made, upon the rights of the English monarchy, during the reign of his father. And therefore (as we are informed by an anecdote preserved to us in a letter of Becket) one of the cardinals, who favoured Eustace, told the pope on this occasion, that *it would be easier to bold a rain by the horns than a lion by the tail.* The strength and power of Eustace, whose foreign dominions were but small, compared with those of Henry, certainly could not be so hard to contend with, nor was it probable, that his authority in the kingdom of England would be so firmly and securely established as Henry's, if the latter should recover the crown of his ancestors. This was a consideration, which it behoved the court of Rome to regard with great attention, before they took any measures to oppose the succession of Eustace ; especially, as there was no reason to believe, that the principles and maxims of government infused into Henry would incline him to acquiesce in their usurpations. For Becket himself observes, in the above-cited letter, that, when he came to the crown, *he opposed the liberty of the church, by a kind of hereditary right ;* his father having resisted it, in several instances, with remarkable spirit. Eustace then might justly hope, that he should be favoured by the policy of the Vatican ; and there was the less probability that Eugenius could be brought to act against him, as Stephen, in that conjuncture, had a minister at Rome, who had much influence over
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Epist. 14.
liv.

the mind of that pontif, namely, Henry de Murdac; to whom Eugenius himself had given the see of York (as I have before related) and whom Stephen, who had long refused to acknowledge him, had now received, in hopes of obtaining a papal bull for the coronation of his son. But the implacable hatred of the pope against him, and Becket's great abilities in negotiation, overcame all the weighty arguments and powerful interest on the side of that prince: which happy success, in an affair of such consequence and so much difficulty, gave Becket a merit, not only to the prelate by whom he was employed, but also to Henry, which was the first foundation of his high fortune. At his return into England, the archbishop conferred upon him several new favours, making him provost of Beverley and dean of Hastings, which benefices he held together with the former; and just before the death of Stephen the archdeaconry of Canterbury was likewise given to him by the same prelate. But these were only the beginnings of his advancement. For immediately after Henry's accession to the throne, he was made the king's chancellor, at the request of his patron, who thought no dignity or trust above his merit. Nor, in doing this, did Henry please the archbishop alone. Becket's promotion must have been extremely agreeable to the English; as he was the first of that nation, since the latter years of the reign of William the Conquerour, on whom any great office, either in the church or state, had been conferred by the kings of Norman race; the exclusion of them from all dignities being a maxim of policy, delivered down by that monarch to his sons, and founded (as we are told by William of Malmfbury) on the alarming ex-

ample of what had befallen the Danes in England, after the decease of Canute the Great. For the English having been suffered, by the indulgence of Canute, to retain under him a large share of ho-

Gerv. ut supra et in Chron. sub ann. 1152.

Fitz-Stephen in vit. Becket.

V. Malmfb. f. 69 l. iii. sec. 10. de Will. I.

nours and power, the consequence was, that they soon recovered the government, and drove out the foreigners. Whether the expulsion of the latter were really owing to the cause here assigned, or to their own provoking insolence, may well be disputed: but this opinion, unquestionably, prevailed too much in the minds of the Normans, and continued too long. Even Henry the First, who courted the affection of the English, as the chief strength of his government, and in other respects was kind to them, adhered to this maxim, more, perhaps, from an apprehension of offending the Normans, than any jealousy in himself. Stephen and Matilda seem to have acted on the same principle: so that this dishonourable mark of humiliation and inequality remained fixed on that people, till the auspicious reign of Henry Plantagenet. He was the first who took it off: and certainly this deserves to be celebrated among the most memorable and most laudable acts of his life; being that which removed all appearance of *a conquest*, and entirely completed the incorporating union between the two nations, which his royal grandfather had formed, but had not brought to full perfection. He might, possibly, be more inclined to favour the English, as, by his grandmother, he descended from the Anglo-Saxon kings: but one may better ascribe the kindness he shewed them to large and generous notions of policy, which made him desire to widen the foundations, on which the government of England had stood for some time: foundations too narrow for the superstructure of glory and publick good, which his noble ambition and extensive benevolence aspired to raise. The work, indeed, was to him less difficult than it would have been to his grandfather: for Eng-

V. Allredus
Abb Riv. de
Vit. & Mi
rac. Edward.
Conf. p. 40.
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land had now (as a contemporary author tells us) *not only a king, but many bishops and abbots, many great earls and noble knights, who, being descended both from the Norman and English blood, were an honour to the*

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one and a comfort to the other. This happy effect of the inter-marriages between the two nations naturally lessened the jealousy, which, for almost a century, had been so strong in the Normans. But a prince of a narrow soul would not have seen the practicability, or comprehended the utility of departing from the maxim his predecessors had adhered to: and it would have been singly sufficient to illustrate the reign of Henry the Second, that, by putting an end to this distinction, as well as to that which the fury of civil discord had lately produced, he opened the temple of Honour to all merit, called forth every virtue, and every talent, into the service of the publick, and made himself the common father of his whole people.

The chancellor of England, at this time, had no distinct court of judicature, in which he presided: but he acted together with the justiciary and other great officers, in matters of the revenue, at the exchequer, and sometimes in the counties, upon circuits. The great seal being in his custody, he supervised and sealed the writs and precepts, that issued in proceedings pending in the king's court and in the exchequer. He also supervised all charters, which were to be sealed with that seal. Mr. Madox observes, that he was usually a bishop or prelate, because he was looked upon *as chief of the king's chapel*, which was under his special care. In the council his rank was very high. It seems that he had the principal direction and conduct of all foreign affairs, performing most of that business which is now done by the secretaries of state. Such was the office to which Becket was raised: but the favour of his master made him greater than even the power of that office, great as it was in itself.

See Dugdale's Origines Juridicales. & Madox's Hist. of the Excheq. c. 2. p. 42, 43.

The bishop of Winchester, who had hoped to govern the kingdom, had no share in the ministry, or none that went beyond the appearance and form of

of being called to a council, where his opinion was never followed, but when it might help to confirm and authorize that of others, who had the confidence of their master. Henry was too honest to love, too wise to trust him, and too strong in the esteem and affection of the public to fear his resentment. Disgusted at this neglect, and imagining, perhaps, that by intriguing with the pope, or the king of France, against Henry, he might be able to revenge himself more effectually on the latter, and with greater safety to himself, than by remaining in England, he privately sent his treasures out of the realm, and then left it himself, without the permission of his sovereign, who immediately gave orders, that all the six castles, belonging to him in England, should be demolished.—The blow was decisive.—It broke at once all his military power in this kingdom; it shewed a boldness and vigour in the government, which deterred even the clergy from espousing his quarrel; and as, abroad, he did not find the support he expected, he was compelled to submit, and sue for leave to return to his bishoprick; which Henry, who had sufficiently punished and humbled him, was willing to grant, but confined him to his bare episcopal duties. In this retirement, so very unsuitable to his temper, he pined some years, unattended to, and almost forgotten by the publick; after having made and unmade kings, and governed with more than regal power! Nor can there be a greater proof of the strength of the crown and the wisdom of the king, than that so crafty and bold a man, so skilful in courts, so versed in faction, could neither work himself into the government, nor make it uneasy!

Peace and obedience being thus established in England, Henry had leisure to attend to his foreign affairs. His first business was, to do his homage to Louis, for the fiefs he held of the crown of France. This ceremony was necessary at the end of a war,

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in which a vassal had fought against his sovereign; the feudal connexion between them having been broken: and therefore it should have been paid by Henry, upon the conclusion of the peace, the year before. But his sickness, which came upon him immediately afterwards, and some affairs of importance retarded it till Stephen died; and then he was forced, as soon as the commotions in Normandy, and the wind and sea would permit, to hasten to England. During his stay in this island, to prevent the king of France from taking any umbrage at this neglect, or, rather, because he was sensible that some had been taken, he wrote to that monarch, and assured him of his willingness to pay the same homage which he had paid him before, for all the dominions which he held of his crown, on condition of such a reciprocal engagement from him, as the duty of a feudal lord to his vassal required.

v. Duchesne, t. iv. epist. divers. ser. de Rob. Franc. epist. 58.

It was the more necessary, at this time, that such an assurance should be given, because, Henry the First having disputed the nature of the homage, which was due to the Crown of France from the dutchy of Normandy, and having refused to pay it in the usual manner, it might be apprehended, that his grandson, being now king of England, would make the same difficulty, though he had before submitted to it. But he avoided any occasion of a quarrel with Louis, especially one not well-grounded; and declared, in the same letter, that *out of obedience, respect, and affection to that prince* he would conclude a peace with the earl of Blois, by referring their differences to an amicable arbitration. Thus he kept every thing quiet in France, till he had leisure to go thither; which he did very early in the year eleven hundred and fifty six. He then performed his homage to Louis for Normandy, Aquitaine, Anjou, Maine, and Touraine. That monarch had great reason (as a French historian

Gerv. Chron. et Diceto, sub ann. 1156. Hoveden. sub ann. 1155.

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P. Daniel H
de France,
sub. ann.
1156.

well observes) *to tremble when he received it!* The conjunction of so many and such great feudal territories, under one vassal, had never happened before in the French monarchy; and gave no small alarm to France; as the person in whom they were united was also king of England. If Louis had taken all occasions to diminish this formidable power, he would have acted with prudence: but he neglected a great one, which presented itself to him soon after this time.

V. Newbrig.
l. ii. c. 7.

It has, before, been told, how Henry Plantagenet had very unwillingly been compelled, at the death of his father, and before the body of that prince was buried, to swear that he would perform every article of his will. Agreeably to that oath, he should, after he had gained possession of England, have resigned the three earldoms of Anjou, Touraine and Maine, to Geoffry, his younger brother. But, as soon as he was crowned, he applied to Rome for relief from the obligation of this oath: representing to the pope, that he had taken it by constraint, and in absolute ignorance of what his father's will contained, which he objected to, in this particular, as being unjust; because, against the clearest principles of natural right, without his having committed any fault, or offence, it deprived him of his whole paternal inheritance.

Chron.
Norm. sub.
ann. 1145.
Gerv. Chron.
et Diceto,
Imag. hist.
sub. ann.
1156.
Brompt.
Chr. p. 1048.

The Roman see, since first it assumed an authority of dispensing with oaths, has very seldom refused, upon proper application, to reconcile the religion and conscience of a prince, with his interests, or his passions; unless when another prince of greater power, or more a friend to the interests of the papacy, has opposed the request. Henry was a great king: his brother was a subject, who had no weight in the balance of power in Europe; which was usually examined by the casuists of the Vatican with much more attention, than the niceties of the case referred to their judgment. It is not very certain

tain whether Anastasius the Fourth, or Adrian the Fourth, was then pontif: but either of them was in circumstances to make him desirous of Henry's friendship. And, as there was really something hard in the case of that prince, the dispensing power of Rome was plausibly, as well as usefully, exercised, in his behalf, on this occasion. Being thus released from his oath, he paid no regard, either to the will of his father, or the complaints of his brother. The latter, indeed, could not reasonably expect that he should; after having joined with his enemies to seize those dominions, by force of arms, when he had no title to them, even allowing the will to be obligatory upon Henry; as it was done before that prince had possession of England. Considering the time when he entered into that league, and the whole purport of it, one cannot be much surpris'd, that the affection of Henry should be cooled towards a brother, who had so unnaturally covenanted his utter destruction. But though Geoffry had abundant cause to be very well satisfied with having been pardoned a treason of so heinous a nature, he would neither relinquish his pretensions to the earldoms, nor receive some compensations, offered to him by Henry, whom he went to visit at Rouen, together with his uncle and aunt, the count and countess of Flanders, soon after the return of that king into Normandy from his late interview with Louis, which seems to have been held in the French Vexin. What these compensations were history does not inform us: but we are told that he departed in great discontent, and going to his castles infested from thence the whole country round about them. As there was in all the three earldoms no small number of the nobility and principal gentry, who wished rather to be governed by a prince of their own, residing constantly among them, and one whose power they did not fear, than by an absent and potent monarch, Geoffry might have excited a dangerous revolt in
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those parts, if Henry, whose vigilance was never surpris'd, had not, immediately upon his departure, assembled an army, with which he march'd to oppose him, and having divided them into two bodies laid siege at the same time to two of his castles, Mirebeau in Anjou, and Chinion in Touraine. Nature and art had united in fortifying the latter: but nothing could then resist the force of Henry's arms. Both castles were taken; and the rebel prince was compelled, with equal sorrow and shame, once more to have recourse to the clemency of his brother, which ingratitude itself could not weary out. Upon his surrendering the castle of Loudon, his only remaining fortress, Henry settled on him a pension of a thousand pounds of English money and two thousand Angevin; and left him the lands belonging to his castles, but levelled these to the ground; thus, at once, giving him a maintenance, not unsuitable to his rank, and taking from him the means of raising new disturbances. The above-mentioned sum was equal to an income of twenty two thousand five hundred pounds of our money in these days, besides the revenues arising from his lands: and it would have been well if provisions of the same nature had always been made for the younger brothers of kings or princes, instead of appenages which gave them the possession of fortresses, by which their ambition was often tempted to carry them into faction and civil war. Nevertheless it is certain, that, by all the rules of good policy, the king of France should have supported Geoffry's claim, and given him the investiture of the three earldoms; in order to separate those dominions from Normandy and Aquitaine, and thereby lessen the power of Henry in that kingdom: but he overlooked this great interest; or thought, that having so lately received homage from him for all his territories in France, including the three earldoms, he could not, at this time, dispute his title to them; especially,

See the note
on the value
of money at
the end of
the first vo-
lume.

especially, as it was strengthened by the authority of the pope, to which he paid, on all occasions, an implicit respect. This acquiescence on his part was of much advantage to Henry; who also found his account in the advances he had made, not long before, towards a peace with the earl of Blois, which tied the hands of that prince, and prevented his giving any assistance to Geoffry. Indeed, it evidently appears, by the acts of a council, which Louis held this year at Soissons, that the settling a general peace in the kingdom of France, and restoring agriculture, commerce, and other fruits of tranquillity, was the object that the king, and all his principal feudatories, had most at heart: of which disposition Henry availed himself in this conjuncture. As to the justice, or moral rectitude, of his proceedings with Geoffry, which some historians have condemned with most severe reproaches, he would certainly have been a more pious son, if he had not disputed his father's will: but whether that will was equitable in itself, or whether his brother deserved from him more kindness than he met with, may well be questioned.

England seems not to have taken any part in this war: but Henry was attended, throughout the whole expedition, by his chancellor, Becket. This minister was now become his chief favourite, and made a very immoderate use of his favour. Employments and trusts of all kinds were heaped upon him, without measure or propriety. Besides the office of chancellor and a scandalous number of ecclesiastical benefices, he had royal castles and forts committed to his custody, the temporalities of vacant prelacies, and the escheats of great baronies belonging to the crown. The revenues of these he made use of, with the same freedom, as if they had been his own rents; perhaps, for the general service of his master, but without keeping any regular or strict account, and certainly

V. Duchesne, t. iv. epist. diversor. de Reb. Franc. epist. 57. 59. & P. Daniel, sub ann. 1155.

Gerv. Chron. sub ann. 1155. et in act. Pontif. Cantuar. de S. Thoma. Brompton Chron. p. 1058. Herbert. de B. seham et Fitz Stephen in vita Becket.

V. Epist. S.
Thomæ, l.
ii. Epist. 6.
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V. Auctores
citatos ut
supra.

ly with great appearance of a most extravagant prodigality and ostentation in himself: so unlimited was the confidence that Henry placed in him! Indeed he seemed almost to share the throne with his sovereign. And it must be confessed, that, if such a participation of the royal authority could have been justified by the accomplishments and talents of a minister, it would be by his. For he possessed all the qualities that could most powerfully engage the affections of a prince, who had a judgment capable of discerning and a heart formed to love extraordinary merit, but a temper that required some delicacy of address in those who approached him very nearly, and that yielded most to those friends, whose character appeared most to sympathise with it, in sentiments and in humours. The person of Becket was very graceful and his countenance pleasing: his wit was lively and facetious, his judgment acute, his eloquence flowing and sweet, his memory vast and ready on all occasions. The time he had passed in that school of the most exquisite policy, the court of Rome, had greatly improved and refined his understanding. Nor was his capacity limited to the sphere of business. He made himself a perpetual companion to the king in most of his pleasures, and fell in with all his tastes so easily and so naturally, that in paying his court he seemed only to indulge his own inclinations. There was a certain inexpressible grace in his manners, given by nature, but helped by art, which rendered his virtues more amiable, and even his vices agreeable. Thus his profuseness and ostentation appeared like generosity and greatness of spirit. Nor was he devoid of these qualities: but he carried them beyond their proper bounds. His expense was enormous, and Henry would have been jealous of it, as intended to acquire too much popularity, if he had not been persuaded by the address of Becket, that all this magnificence, in which the

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son of a private citizen surpassed even the greatest and most opulent earls, was only designed to do honour to his bountiful master, whose creature he was, and upon whom his whole fortune must absolutely depend. Yet amidst the luxury in which he lived for several years, and all the temptations of a court where gallantry reigned, he was (if we may believe the writers of his life) constantly temperate, and invincibly chaste.

Henry, being now triumphant in Anjou, obliged all the nobility of Gascony and Guienne to give him hostages for their future fidelity. On what occasion he did so we are not told: but he had, doubtless, some extraordinary cause to suspect them; perhaps, a discovery of their having secretly intrigued with his brother; which conspiracy might be prevented from taking effect, by the vigilance of his government and the terror of his arms. For it is not very probable, that Geoffry would have dared so inconsiderately to draw those arms on himself, if he had not relied on some assistance: and the barons of Aquitaine, having been long weakly governed by Henry's predecessors, were impatient of restraint, and prone to rebellion. But whatever might be the motives, on which Henry thought it necessary to take this precaution, it answered his purpose so well, that, for many years afterwards, it kept those provinces in peace and obedience to his government.

Fortune was so favourable to him at this time, that every accident added to his strength. It happened that the count and countess of Flanders engaged themselves by a vow to go, this year, on a pilgrimage, to Jerusalem. They thought that they could not find so fit a guardian, in their absence, for Philip, their eldest son, who was yet an infant, or so respectable a protector for their dominions, as Henry their near kinsman, and faithful friend. To him therefore they committed the care

Gerv. Chron.
et Diceto, sub
ann. 1157.
Chron. Norm
p. 993.
Neubrigen-
sis, l. ii. c. 4.
Annal. Wav.
sub ann.
1157.

of their son, and the regency of Flanders, till they should return from the East: and the young prince having espoused the heiress of Vermandois, that province also was put under his government. This was a great augmentation of his power on the continent; and might well have added to the jealousy of the French court: but he used his utmost art to quiet their apprehensions; being never so careful to pay the king of France the respects of a vassal and the regards of an ally, as when he had made, or was endeavouring to make, some acquisition, which might naturally give umbrage to him and his kingdom. The affairs of Flanders were settled, with great attention and great wisdom, by their new governour; and after he had established such order and harmony in all his territories abroad, that he brought them to compose one political system, as if they had been a single state, he returned into England in the spring of the year eleven hundred and fifty seven. To re-annex to that kingdom all the provinces it had lost to the Scotch and Welch, under the late unhappy reign, was now the object of his ambition, and of the desires of his people.

In what manner his great uncle, David, king of Scotland had gained possession of the three northern counties, and had brought him to take an oath, that he would not resume them, in case he should recover the throne of his ancestors, has been already related, in the preceding book. The title of that king or of his son, to these provinces, even as fiefs to be held of England, under homage and fealty, had been always very doubtful. By what right either of them laid claim to Westmoreland, I cannot discover. And out of the grant which Stephen had made of Northumberland, Newcastle and Bamburg had been expressly reserved. But David had seized upon more than he had a right to, from the terms of that compact, under the pre-
tence

tence of holding those provinces for Matilda and her son ; instead of which he retained and left them to his own grandson, as parts of the kingdom of Scotland, separated from England, and not even tied to it by any obligation of feudal obedience. It could not appear to the English in any other light, than as an acquisition the Scotch had made, by taking advantage of the weakness of England, and the distress of the royal family, in a time of civil war : and Henry's council supposed, that he might with equal policy, and with more justice, now take advantage of the weak state of Scotland, to recover to his crown its ancient rights and possessions. His former obligations to the Scotch royal family, for their having assisted his mother, and conferred upon himself the honour of knighthood, could be no sufficient argument, for suffering territories of so much value and importance to be lost to his kingdom ; it not being permitted to a king to be grateful at the expence of his people. He therefore judged it necessary to regain the three counties, and thought the time so favourable for such a demand, that it ought not to be neglected. The oath he had taken was the sole impediment which stood in his way : but against this he might plead, that it had been imposed upon him, when his tender age, and inexperience in matters of government, were strong objections to the validity of it ; especially, as the alienation of these dominions had not been agreed to by the estates of the kingdom, whose consent, in all governments not entirely despotick, is necessary to confirm an act of this nature. He might also alledge, that the only consideration, upon which he could be supposed to have taken such an oath, without fraud, or force, was the efficacious assistance, which David had engaged to give him in England, by making an offensive war against Stephen : but as that engagement was not kept, he was conse-

quently freed from his part of the compact. These reasons appeared so weighty, and made his conscience so easy, that he did not even apply to the papal authority for relief in this case; but, thinking that his oath was void in itself, sent to demand the immediate restitution of the three counties. His ambassadors were ordered to say, *that their master, the king of England, ought not to be defrauded of so considerable a part of his kingdom; nor could he patiently see it thus dismembered: and justice required, that territories gained by the Scotch in his name should be restored to him.* Upon receiving this message, Malcolm, who was then but in his seventeenth year, or rather the lords of his council, by whose advice he was governed, thought it necessary to make the restitution demanded; *prudently considering* (says William of Newbury, a good contemporary historian) *that, with regard to this point, the king of England was no less strong in the merits of his cause than in the greatness of his power.* But although they had not been so absolutely convinced of the justice of his claim, as that writer supposes; his power was, undoubtedly, so formidable to them, and the state of their government so infirm, that prudence required them to make this sacrifice of contested acquisitions, rather than run the hazard of a war, which might ruin their country. And Malcolm might the more easily give up Northumberland, because, when David, his grandfather, declared him successor in the kingdom of Scotland, he assigned that province to William, his younger brother.

But Henry was not satisfied with having regained the three counties. He likewise insisted, and not without an ancient claim, that Malcolm should acknowledge himself his vassal for Lothian. This earldom, in which all the eastern parts of Scotland, between the Tweed and the Firth of Forth, were then comprehended, had been granted by Edgar,

Vid. Neu-
brig ut supra

Neubrigen-
fis, l. i. c.
23.

V. Diceto
Imagin. hist.
et And. al.
Waverlen-
ses, sub ann.
1157.
Chron. Nor.
p. 993.

gar, one of the greatest Saxon kings, to Kenneth the Third, under condition of homage; and it does not appear that the vassalage had been ever released, to him, or his successors, by any other king of England. Malcolm therefore was advised by his council to agree to this demand likewise; and the English monarch conferred on him the earldom of Huntington, against the claim of the earl of Northampton, to whose father it had been given by Stephen on the death of Henry prince of Scotland. Probably, this was done on the foundation of the grant made to David, Malcolm's grandfather, by Henry the First: and unless the right of the other family to the earldom of Huntington had been so evidently certain in justice and law, as not to admit of any latitude in the disposal thereof by the power of the crown, policy required that, in this instance, some favour should be shewn to the Scotch king in return for the important concessions, which he had made to England.

Ch on Johan.
de Waling-
ford, p. 545.
M Westmo-
nast. p. 193.

See Dug-
dale's Baro-
nage earl of
Northamp-
ton.

These northern affairs being thus settled, Henry now turned his thoughts, and not without some inquietude, to the great and dangerous war he intended to make against the Welch.

As I have not hitherto, during the course of this work, given any distinct account of that ancient people, I shall now sketch out the most important outlines of their history, down to the times of which I write, partly from the Welch chronicle of Caradoc of Lhancarvon, which among them is of the greatest authority; and partly from our own writers. In doing this I shall supply some material omissions, which I designedly left in the preceding history of the four first Norman kings; because I thought it would be better, that their transactions with the Welch, which were not absolutely connected with other matters there related, should be shewn together with the general view of that nation, presented here.

How bravely and obstinately the Silures, Demetæ, and Ordovices, who first inhabited that part of great Britain which has since been called Wales, resisted the all-conquering power of Rome, the Roman historians themselves declare. When that nation had entirely relinquished this island, about the year four hundred and forty eight, these valiant people, assisted by the natural strength of their country, and augmented by great numbers who fled to them for safety from the invasions of the Scotch, the Picts, and the Saxons, preserved themselves free under their own form of government, their own laws, and their own princes, while all the rest of South-Britain was over-run and subdued by foreign arms.

The name of Welch was given to them first by the Saxons, and is derived from a contraction of Gwallish, or Gaulish, denoting their origin from the Gauls: but they call themselves Cumri, of which the Latin name, Cimbri, given to a Celtic nation of Germany, was, probably, a corruption. Wales was bounded at first by the Irish seas and the rivers Severne and Dee. But, towards the end of the eighth century, the Welch were driven out of all the level country, situated between the Severne and Wye, by Offa the Great, king of Mercia, who planted there English colonies, and made the celebrated dike, still called by his name, which extended, from north to south, about ninety miles, running along the sides and bottoms of the hills, from the mouth of the river Dee to that of the Wye near Chepstow. It is thought to have been an imitation of the ramparts thrown up by Agricola, Adrian, and Severus to guard the Roman province against the incursions of the northern Barbarians: but, from some remains of it, which are still to be seen, and for several other reasons, I should judge that it was rather intended for a boundary to separate the territories of the English from

Dr. Powell's
Welch Chro.
p. 19, 20.
Camden's
Britan. Rad-
norshire.

from those of the Welch, than to protect the former, as a fortification. Whatever the intent of so vast a work may have been, the labour and charge were greater than the benefit. For, soon after Offa's death, the Welch again extended their dominions beyond that dike, forcing their way, like a rapid torrent, which descends from the mountains and overflows the plain country. Their limits from that time, were very uncertain; being often advanced, or set back, as the fortune of war happened to change, in favour of them, or of the Saxons. In the ninth century, Egbert; supreme monarch of England, won from them Chester, which had been the capital seat of the former kings of North-wales. From this city his successors infested that kingdom with perpetual inroads; and the Welch in return made incursions, with great fury, into the counties of England that bordered upon them: each nation keeping up an implacable hatred against the other, and adding the remembrance of ancient animosities to every new quarrel. The Saxon chronicle tells us, that Ethelwolf, son to Egbert, subdued the people of North-Wales. It also appears, from Asser's history of King Alfred the Great, that some of the Welch princes were subject to his crown; and the Welch chronicle owns, that his grandson Athelstan entered Wales with a great army, which brought the kings of the country to pay him tribute, and acknowledge his sovereignty: but they did not continue very long in this state of subjection. Among the Saxon laws, published by Wilkins, we have a constitution agreed to by the legislatures of both nations, for securing the peace of the borders, which seems to put them upon a foot of independence and equality. It is supposed to have been made in the reign of Ethelred, who came to the crown in the year nine hundred and seventy eight; and before that time we find the Welch often in

V. Chron.
Sax. p. 75.
sub ann. 853.

p 50. sub.
ann. 933.

V. Senatus-
consultum
de Moutico-
lis Walliæ,
Wilkins, p.
125.

arms on the borders, and shewing little obedience or regard to the sovereignty of England.

In the year eight hundred and forty three all Wales was united under the dominion of Roderick, surnamed the Great: but in the year eight hundred and seventy six that prince again divided it, by a testamentary settlement, into three kingdoms, Guyneth, or North-Wales, Deheubarth, or South-Wales, and Mathraval, or Powis-land; which he severally left to his three sons, who were all crowned and called kings; but the two younger were subordinate to the eldest, who had North-Wales, and held his royal seat at Aberffraw in the isle of Anglesey, which was the Mona of the Britons. The grandson of Roderick, Howel Dha, (in English Howell the Good) about the year nine hundred and forty, obtained the sole dominion of all the three kingdoms, and made a reformation of their political, civil, and municipal laws, which were digested by him into three books. This code is still extant, and has been published in England with a Latin translation, but mixed with other institutions of a much later date, many of which are strictly feudal, and therefore must have been chiefly derived from the Normans. The entire agreement of others with the laws of the Saxons seems to indicate that they were occasionally borrowed from thence, and adopted by Howell: though the similar genius of the British Celts and the Germans may have also produced some resemblance and conformity in the more ancient customs of the two nations. Among those that appear to be purely and originally British, one may discover a great deal of barbarism, and many things that required a further reformation. The best that can be said of the policy of the Welch government, is, that there was in it no tincture of despotism. The nobles and clergy were consulted in all matters of state; the people were free, and seem

Welsh C. ro.
from p. 52
to 55.

V. Leges
Walliæ auct.
Gul. Wotton. V. Præ-
fation. Gul.
Clarke.

V. Leg. Wal-
liæ, l. ii. l.
4^o, 58, 59.
et multas
alias.

seem to have assisted in the making of laws and other acts of great moment. They were oppressed by no taxes, nor by any toilsome work; and to this an ancient author, who was himself of that nation, ascribes their magnanimity and courage in war. *For nothing* (says he *so raises and excites the minds of men to brave actions, as the cheerfulness of liberty: nothing, on the contrary, so dejects and dispirits them, as the oppression of servitude.* But, in truth, the Welch were so far from submitting to *servitude*, that they would scarce endure *government*. Their liberty bordered too nearly upon anarchy, being rather that of a savage than a civilized people. The whole constitution was ill framed, either to polish their manners, or to secure the internal peace of the country; none under heaven having been ever more agitated with civil commotions; which were so frequent and violent in all parts of Wales, that very few of their princes died natural deaths: for, either they were slain in wars with each other, or murdered by others of the same family, who, for want of a determined rule of succession, or by the power of factions, aspired to the government. One great cause of this evil was, that the old British custom of dividing the estate of the father, in equal shares, among the sons; bastards, as well as legitimate; extended, not only to private inheritances, but to the inferiour chieftains, or princes, in the several districts; and even to the royal families, in all the three kingdoms; the eldest son having no more than a kind of titular sovereignty over the younger: nor was that preference always given; but, sometimes, all the sons of a dead monarch governed jointly, which produced the utmost confusion; and, in several instances, election, or force of arms, conferred the chief rule upon one of the younger sons, or perhaps, upon some other more distant kinsman. What aggravated this mischief was another ancient custom, which prevailed among the chieftains

V. Girald.
Cambrenf.
de Illauda-
bilibus Wal-
liæ c. 10.

V. Dr. Pow-
ell's Welch
Chron. p. 21.
58, 59, 60.
Girald Cam-
brenf. de Ill-
laudabilibus
Walliæ, c. 9.

V. Welch
Chron. from
p. 51 to 54.
and from
p. 53 to 63.
See also
p. 21. and Gi-
rard. Camb.
de Illau-
dabilibus
Wallie, c. 4.
9.

chieftains and kings of Wales, of sending out their infant sons, to be nursed and bred up in different families of their principal nobles or gentlemen; from whence it ensued, that each of these foster-fathers, attaching himself with a strong, paternal affection, to the child he had reared, and being incited by his own interest to desire his advancement above his brothers, endeavoured to procure it by all the means in his power. Thus, as most of their kings cohabited with several women, who generally brought them many children, several parties were formed among their nobility; which breaking out at their deaths involved their kingdoms in blood and confusion. Minors were never allowed to reign: but it often happened, that, when a prince, excluded in his infancy, attained to manhood, he then aspired to the throne he had lost on account of his nonage, and found a party to assist him in those pretensions. Thus, after the decease of Howell Dha, the kingdoms of Wales were again divided into different portions, and perpetually harassed with different claims. They were indeed reunited under Meredyth, Howell's grandson; but his reign was unfortunate and of short continuance: for he was so infested with the piratical descents of the Danes, that, after St. David's, and other places upon the coasts of South-Wales, had been destroyed by their ravages, he was forced to deliver himself from them by a composition of the same nature with the first *Danegeld* of the Saxons, viz. to pay them a capitation, at the rate of a penny for every man in that kingdom. This only allured their countrymen to other invasions, with less fear of resistance and more assurance of gain. While Meredyth's arms were employed in a civil war with the son of his elder brother Eneon, who laid claim to South-Wales, the northern corsairs landed in Anglesey, and desolated the whole island. As publick misfortunes are
always

Welch
Chron. from
p. 73 to 91.

always charged to the fault of the government, the people of North-Wales revolted, and chose another king. Great disorders ensued; till the unhappy Meredyth dying, without issue male, in the year nine hundred and ninety eight, Lhwelyn ap Sitfylth, who had married his daughter, succeeded to him in South-Wales, and soon obtained, by force of arms, the two other kindoms. The Welch chronicle, to express the felicity of his reign says, *that, in his time, the earth brought forth double to what it produced in the times before past: the people prospered in all their affairs, and multiplied wonderfully; the cattle encreased in great numbers; so that there was not a poor man in Wales, from the south to the north sea; but every man had plenty, every house a dweller, and every town inhabitants.* Yet he was not exempt from the usual destiny of the other Welch kings. The sons of Edwin ap Eneon rebelled against him and slew him: but Gryffyth, his son, revenged his death; drove Howell, the Son of Edwin, out of South-Wales; and killed in battle another prince, who had lately obtained the sovereignty of North-Wales, not without a good title, if any title but force of arms could have availed in that nation.

Gryffyth was the first, and, I believe, the only Welch king, that ever had a navy; a few ships of war having been built for his service in some foreign country, and manned with foreign sailors. He could not be furnished with either among his own subjects; for Giraldus Cambrensis informs us, that the Welch had no ships, but such as were used by the Britons, their ancestors; small wicker boats, that were covered with hides, and had neither oars nor sails. On what occasion this fleet, which was so great a novelty to his people, was provided by this prince, we are not told: but, I presume, he designed it to protect them from the ravages of the Danes and Norwegians. Howell having attempted, by the help of these and other foreigners, to regain

V. Flor.
Wig. et S.
Dundm. fol.
ann. 1063.
1264.

V. Girald.
Cambrensis
Cambriae descript.
12, c.
8. 17.

Welch
Chron. ut
supra.

from

from him South-Wales, was totally defeated in a pitched battle, and hardly escaped with his life. But an honourable death in the field would have saved him from a greater misfortune: for his wife, whom he had brought to be a witness of the triumph, which he confidently hoped to obtain over Gryffyth, was taken prisoner by that king; who, liking her beauty, kept her for his concubine. Nor does it appear, that he lost any reputation among his own people by so brutal a rape; the Welch supposing, that whatever belonged to the conquered was a lawful prey to the conquerors, their wives themselves not excepted. The unfortunate husband, reinforced by another army of English and Danes, made a new effort, not long afterwards, to recover the possession of his wife and kingdom; but was vanquished and slain in the contest. Other competitors arose against Gryffyth; for not even the greatest victories could give to these princes any security in their power: but he overcame all his adversaries by fair and open force in the field. Nor did he confine his valour within his own territories. In conjunction with Algar earl of Chester, who had been banished from England as a traitor, in the reign of Edward the Confessor, he marched into Herefordshire, and wasted all that fertile country with fire and sword, to revenge the death of his brother Rhees, whose head had been brought to Edward, in pursuance of an order sent by that king, on account of the depredations which he had committed against the English on the borders. To stop these ravages, the earl of Hereford, who was nephew to Edward, advanced with an army, not of English alone, but of mercenary Normans and French, whom he had entertained in his service, against Gryffyth and Algar. He met them near Hereford, and offered them battle, which the Welch monarch, who had won five pitched battles before, and never had fought without

V. Chron.
Sax. sub ann
2055. p. 169.

V. Flor.
Wig. p. 623.
629.

without conquering, joyfully accepted. The earl had commanded his English forces to fight on horseback, in imitation of the Normans, against their usual custom; but the Welch making a furious and terrible charge, that nobleman himself and the foreign cavalry, led by him, were so daunted at the view of them, that they shamefully fled without fighting; which being seen by the English, they also turned their backs on the enemy, who, having killed or wounded as many of them as they could come up with in their flight, entered triumphant into Hereford, spoiled and fired the city, razed the walls to the ground, slaughtered some of the citizens, led many of them captive, and (to use the words of the Welch chronicle) left nothing in the town but blood and ashes. After this exploit, they immediately returned into Wales, undoubtedly from a desire of securing their prisoners, and the rich plunder they had gained. The king of England hereupon commanded Earl Harold to collect a great army, from all parts of the kingdom, and assembling them at Gloucester, advance from thence, to invade the dominions of Gryffyth in North-Wales. He performed his orders, and penetrated into that country, without resistance from the Welch; Gryffyth and Algar retiring into some parts of South-Wales. What were their reasons for this conduct we are not well informed; nor why Harold did not pursue his advantage against them: but it appears that he thought it more adviseable, at this time, to treat with, than subdue, them: for he left North-Wales, and employed himself in rebuilding the walls of Hereford, while negotiations were carrying on with Gryffyth, which soon afterwards produced the restoration of Algar, and a peace with that king, not very honourable to England; as he made no satisfaction for the mischief he had done in the war, nor any submissions to Edward. Harold must, doubtless,

less, have had some private and forcible motives to conclude such a treaty. The very next year, the Welch monarch, upon what quarrel we know not, made a new incursion into England, and killed the bishop of Hereford; the sheriff of the county; and many more of the English, both ecclesiasticks and laymen. Edward was counselled by Harold and Leofrick earl of Mercia to make peace with him again; which he again broke: nor could he be restrained by any means from these barbarous incursions, before the year one thousand and sixty three; when Edward, whose patience and pacifick disposition had been too much abused, commissioned Harold to assemble the whole strength of the kingdom, and make war upon him in his own country, till he had subdued or destroyed him. That general acted so vigorously, and with so much celerity, that he had like to have surpris'd him in his palace: but, just before the English forces arrived at his gate, having notice of the danger that threatened him, and seeing no other means of safety, he threw himself, with a few of his household, into one of his ships, which happened, at the instant, to be ready to sail; and put to sea. What country he retired to we are not informed: but, probably, he went into Ireland. Harold, vexed at his escape, set fire to his palace, and burned all his ships of war that remained in his harbour; after which, returning to Bristol, he there fitted out, with all possible expedition, a powerful fleet; with which he cruized along the coasts of North and South-Wales, preventing the importation of corn and other necessaries, which the Welch had been accustomed to receive from abroad. While he was employed in this manner, a strong body of horse, under the conduct of Earl Tofti, his brother, had marched to a rendezvous, which he had appointed, in the maritime part of North-Wales. As soon as he had intelligence of their being arrived, he landed and joined them with
his

Flor. Wigorn
p. 630. sub
ann. 1056.

Welch
Chron. p.
100, 101.

V. Chron.
Sax. Ingul-
phus Flor.
Wigorn. et
Chron.
Petroburgen.
sub ann.
1063, 1064,
1065.
Malmsh. de
Gest. R. A.
l. ii. c. 13.
Welch
Chron. p.
101, 102.
Girald.
Camb. de
Illauidabil.
Walliæ, c.
7, 8.

his infantry, which he had embarked for that purpose; leaving none but the sailors and rowers aboard his fleet, which he ordered to cruise as before. The two brothers, after their junction, easily made themselves masters of all the flat country: but Harold, being sensible that heavy-armed soldiers were unfit for pursuing the light troops of the Welch into their mountainous regions, provided his infantry with bucklers of hides, and other armour of a lighter sort than they usually wore. The greater part of his cavalry he left in the plains, under the command of his brother; and taking only a few of them, with some bands of foot heavy-armed, which he ordered to follow and support the light-armed forces, if they should be repulsed, he boldly advanced into countries, which no Saxon army ever had entered before; marching all the way on foot himself, and driving the enemy even from their inmost retreats, with a terrible slaughter, till they were compelled to sue for peace at the discretion of the conqueror. Proud of having surmounted the strong barriers which nature had placed to oppose him, and of having subdued this warlike people, he set up pillars of stone in several places to which he had carried his victorious arms; as trophies and monuments of his fame to posterity. Giraldus Cambrensis assures us, that, in his time, they were still remaining there, with the following Latin inscription, resembling those of the Romans in simplicity and conciseness, engraved upon each of them, HIC FUIT VICTOR HARALDVS.

Probably, the Welch would have better defended their country, if they had been under the conduct of Gryffyth, their sovereign: and, as in all his former life he had shewn so much courage, we may reasonably conclude, that he would not so shamefully have abandoned his people, through the whole course of a war which he himself had brought upon them, if the English navy, which
con-

V. Flo. Wig.
et S. Dun-
elm. ut fu-
pra.

continually guarded the coast, had not prevented his return into any part of North-Wales. Certain it is, that he did not come back to them, till the latter end of summer in the following year, after they had been forced to submit to Harold; and then he found them so incensed at having been left by him in the time of their danger, and so averse to any thoughts of renewing the war, that, instead of assembling themselves under his standard, as he urged them to do, they sent his head to Harold, together with the prow of the ship, or galley, in which he returned. The Welch chronicle tells us, that they were instigated to this treason, by Blethyn and Rywallon, his mother's sons, whom Harold had made kings of North-Wales and Powis-land, as he had also given South-Wales to Meredyth, the eldest son of Owen, whose father Edwin had been expelled from that kingdom by Gryffyth. This valiant prince had ruled all Wales during four and thirty years, a very long reign for any king of that nation! Those appointed by Harold were obliged to take an oath of fealty to Edward, and pay him the full tribute that ever had been paid to any of his predecessors. Thus, by the valour and good conduct of that earl, was the sovereignty of England over the princes of Wales more completely established, than it had ever been before. But he built no castles in the country, nor did he plant any colonies of English, there, without which it was impossible, that the subjection of a people so used to arms, and and so impatient of dishonour, could long continue. After his death they regained their independence: during which they were continually and most grievously disturbed with deadly feuds, till the year of our Lord one thousand and seventy eight, when Gryffyth ap Conan, and Rhees ap Tewdor, having united their arms, made themselves entire masters of North and South-Wales. The claim of these princes to those dominions was good; Gryffyth being

Welch
Chron. from
p. 109. to
115.

being descended from the eldest son of King Roderick, and Rhees from the eldest son of Howell Dha : besides which they were valiant men, a qualification the Welch regarded more than any other pretensions. Gryffyth, in gaining the sovereignty of North-Wales, was assisted by an army, which he procured from the king of Ulster, whose sister he had married, while he and his father Conan were exiles in Ireland. Upon this revolution, Powis-land, which after the death of Rywellon had been annexed to North-Wales, under the government of his brother, was shared between two sons of the latter, as it seems, by an agreement with Gryffyth ap Conan.

Such was the state of Wales in the year one thousand and seventy nine, when William the Conquerour, provoked by some incursions of the Welch, and having established his dominion over the English, came to St. David's with a mighty army ; and struck such a terror into all the princes of Wales, that, without resistance, they submitted to do him homage. He demanded no tribute from them ; nor could they properly pay it when they became his vassals ; the feudal laws exempting those who were admitted to homage from all such impositions. It does not appear, that any of them rebelled against him, or committed any depredations upon the borders of England, so long as he lived. They also kept peace among themselves : but the very year that he died, the sons of Blethyn ap Conwyn gathered together their forces against Rhees ap Tewdor ; who was constrained to fly to Ireland, where he had potent alliances ; and from whence he returned with an army, which, being joined by his friends, enabled him to recover the kingdom of South Wales. Soon afterwards the earls of Hereford and of Shrewsbury, confederating themselves with the Welch on their borders against William Rufus, ravaged the counties of Gloucester and of Worcester. Nor, when this insurrection was quelled in Eng-

Welch
Chron.
p. 115. sub
ann. 1079.
Huntingdon,
l. vii. f. 212.

land, do we find that the Welch submitted to the king, or that their princes acknowledged his sovereignty over them, either by doing homage to him, or paying tribute. But, in the fourth year of his reign, Jestyn, lord of Glamorganshire, which country his ancestors had governed for some ages under the kings of South Wales, having been defeated in a rebellion against Rhees ap Tewdor, sent one of his gentlemen, who had served in the army of England, to solicit some of the lords and knights of that kingdom to come to his assistance, with promises of great rewards and emoluments from him. The proposal was agreeable to the spirit of the times. Robert Fitz-haimon, a gentleman of the king's privy chamber and great baron of the realm, undertook the adventure. Twelve knights, of considerable note and distinction, were retained in his service, or rather agreed to serve under him, with a large body of forces. They joined those of Glamorganshire, which were ready to receive them, and invaded the territories of Rhees ap Tewdor, who met them near Brecknock, and giving them battle was vanquished by them, and slain in the action. He was the last of his nation who possessed the ancient kingdom of South Wales entire : for after his death it was dismembered, and soon fell to decay. When Jestyn found himself conqueror (if we may believe the Welch chronicle) he kept all his engagements with the Normans very faithfully, but broke his word with the Welch gentleman, he had sent to them, and to whom he had promised to give his daughter in marriage, if he succeeded in his negotiation. This person, whose name was Eneon, being frustrated of the reward he expected, and burning with resentment, followed the Normans, who were already embarked for England, and complaining to them most bitterly of his master's perfidiousness incited them to turn their arms against him. He as-
sured

fured them that they might easily conquer his country, as, from his treaion to Rhees, he would be deprived of all aid from the other princes of Wales. Upon which, partly out of their regard to the man, and partly being allured by the bait he proposed to them, they all returned with him, attacked the lord of Glamorganshire, defeated, and slew him. This is the account which is given by Caradoc of Lancarvon; but, according to another very authentic relation of this affair, Jestyn refused to perform the covenants he had made with the Normans, through the mediation of Eneon, who therefore joined them against him. Certain it is that Fitz-haimon, by no other title than that of conquest, seized on Glamorganshire, and reserving to himself some principal parts, with the seignory of the whole, gave all the rest of that fair and fertile province to be held as fiefs under him, by the twelve knights who came with him, and some others who had assisted him, particularly Eneon. The Welch chronicle says, that *these were the first strangers that ever inhabited Wales since the time of Camber*. But soon afterwards Bernard de Neufmarché, another of the great Norman barons, conquered the province of Brecknock; and these examples exciting the ambition of their countrymen to like attempts, several of the nobility petitioned the king to grant them lands in Wales under homage and fealty, if, by their own arms, they could win them from the natives; which he did very willingly, as the best method of subduing that people without any charge or trouble to himself, and punishing their princes for having withdrawn that obedience, which they had sworn to the English crown in the reign of his father. Accordingly Roger de Montgomery, earl of Shrewsbury, did homage to him for Cardiganshire in South-Wales; and for all Powis-land, of which he afterwards subdued and settled some districts,

See the history of the winning of Glamorgan, in Dr. Powel's Welch Chron. p. 124.

Welch Chron. p. 121.

Ibidem, from p. 150. to p. 153.

particularly, the town and castle of Baldwyn. This important place, which commanded one of the finest parts of Wales, adjacent to England, he new-fortified; and called it after the name of his family, which it retains to this day. Arnulph, his younger son, obtained likewise, in South-Wales, the great lordship of Dyvet, named Pembrokeshire, from the town and castle of Pembroke built by him there, in a fertile and open country. The earl of Chester, and two of the Mortimers, with many other Norman barons, who were seated in the bordering counties of England, became vassals to William Rufus for lands belonging to the Welch in all their three kingdoms, which he disposed of, as forfeited to him by the natives, on account of their rebellion; but of which the several persons, on whom he bestowed them, were to obtain the possession at their own charges. Whatever conquests they made they endeavoured to secure, by immediately building strong castles, and, as far as they could, by settling in them colonies of Normans or English. Thus was this last asylum of the Britons broken into, by their enemies, on every side. But the spirit of the Welch did not long remain patient under these usurpations (for such they esteemed them.) Gryffyth ap Conan, who then was king of North-wales, and Cadogan ap Blethyn, who possessed as much of South-Wales as yet remained unconquered by the Normans, united against them; and, having defeated them in two or three battles, destroyed all their castles, except those of Pembroke and Rydcors, and recovered almost all Dyvet, Powis-land, and South-Wales. Nor were they content with expelling these invaders, but carried their arms, with terrible ravages and devastations, into the borders of England, joining all the rage of a barbarous people to the resentment of freemen, who had lately shaken off the yoke of oppression.

William

Welch
Chron.
p. 152 to
156.
Malmib. de
W. II. f. 68.
70. k. iv.
Huntingden,
l. vii. f. 210.
Hoveden,
par. I. f. 266.
267.

William Rufus, inflamed with great anger and disdain, that a nation, which had paid obedience to his father, should dare to attack and insult him in his own kingdom, raised a mighty army, and marched in person against them. At his approach they retired: he determined to follow them; and entering their country at Montgomery stopped there awhile, till he had rebuilt the ruined castles, which being done, he tried to penetrate into the interior parts of North-Wales. But the Welch so strongly guarded the defiles of the mountains, the woods, and the rivers, chusing their posts with great judgment, and cautiously avoiding to fight on the plains, that he made little progress. Great rains fell; his horses died; and his troops were so harassed with the many hardships they suffered, that he was obliged to return to England, and leave the war to be prosecuted by the lords of the marches. But although they exerted their utmost strength and valour, they found the task too hard for them; and, after sundry defeats, Roger de Montgomery earl of Shrewsbury, William Fitz-eustace earl of Gloucester, with many other noble persons, having been slain; and all their castles in those countries, except that of Pembroke, burnt, or razed to the ground; William Rufus himself thought it necessary to march a second time into Wales at the head of a royal army; and made all the efforts to regain the provinces he had lost, that great courage, excited by the highest indignation and sense of shame, could produce. Yet so valiant were the Welch, so prudent their leaders, and such the difficulties he found in attempting to break through the fastnesses of the mountains, that he now succeeded no better than in his former expedition.

Vid. auctores
citat. ut supra.

It is very surprising that a king, ever victorious in all his other wars, should in these, with an undisciplined and barbarous nation, be so foiled and dis-

honoured ! William of Malmſbury aſcribes it to the nature of the country, and inclemency of the weather. But, as to the firſt, Harold likewise had *that* to contend with ; and yet he conquered all Wales. The weather indeed might happen to be better, and more favourable to him than it was to William Rufus ; and rainy or ſtormy ſeaſons add much to the difficulty of making war, in woody or mountainous countries : but other cauſes, and not ſo fortuitous, may well be aſſigned, to account for the different ſucceſs of theſe princes. The Norman armies, being chiefly compoſed of horſe, and encumbered with heavy armour, were not able to act among the ſteep precipices, and narrow paths of the mountains, or in the woody vales and deep bottoms ; nor could they eaſily be ſubſiſted in thoſe barren places at a diſtance from the ſea : which inconveniencies it has been ſhewn that Harold wiſely avoided, by another manner of arming and diſpoſing his forces. The Welch had, indeed, ſubmitted to the Normans, under the firſt king of that race ; being awed by the great name of *William the Conquerour*, and yielding rather to the reputation than force of his arms : whereas thoſe impreſſions were now worn off : they had tried their ſtrength with the Normans, and found it ſuperior in repeated engagements : but the greateſt difference was, that they were now under the conduct of able and ſkilful commanders ; which advantage, more important than any other whatſoever, they had been deprived of by the abſence of Gryffyth ap Llewelyn, their general and their king, when the army of Harold attacked them in the heart of their country.

After the death of William Rufus, his ſucceſſor Henry the Firſt ſought to divide the Welch princes in Powis-land and South-Wales : thinking that this would be the eaſieſt way to ſubdue them : which policy proved ſo ſucceſſful, that when they had waſted their force in long civil wars, ſome of
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them, from a necessity of asking his assistance against their foes, became his friends and vassals; particularly, Cadogan and Meredyth, sons of Blethyn ap Convin. He also strengthened those provinces of South-Wales which remained under the power of England, by a new colony, very proper to answer that intention. During the reign of his father, a great number of Flemings, having been driven out of their dwellings by an extraordinary inundation of the sea on that coast, had come over to England; where they hoped to receive a protection from the queen, who was daughter to Baldwin earl of Flanders. The king entertained them with great kindness and favour, not only out of regard to her patronage of them, but from true notions of policy; to encrease, by such an accession of useful inhabitants, the wealth and strength of his kingdom. Many of them were afterwards planted by William Rufus in the waste lands of Northumberland, and about Carlisle; but others were dispersed all over England, and began, by their multitude, to give some uneasiness; which Henry took off, and availed himself of them to more advantage, by sending them all to settle in South-Wales; where he gave them the district about Tenby and Haverford-West; in which their posterity remain to this day. They were very industrious, yet, at the same time, very valiant; skilful in husbandry, manufactures, and commerce, and equally expert in the use of arms: so that they answered all ends which can be proposed in planting a colony, cultivation of lands, improvement of trade, and defence of the country. William of Malmesbury speaks of them as a strong barrier, which restrained the Welch in those regions from infesting the English territories; and certainly such a plantation was a more effectual security than any fortress or bulwark.

As for North-Wales, Gryffyth ap Conan, the

v. Girald.
Cambrenf.
Itiner.
Cambr. l. i.
c. 11.
Malm'sb.
f. 89. sect.
30. l. v. et f.
68. sect. 40.
l. iv.
Flor. Wig-
orn. S. Du-
nelm. et
Hoveden,
sub ann.
1111.

v. Malm'sb.
ut supra.

Welch
Chron.

p. 173, 174.

king thereof, had never done homage, or paid tribute, to the crown of England; but, by the strength of his country, had maintained himself independent; having lost only some districts in the more open and maritime parts of his kingdom. He remained in this state till the year eleven hundred and thirteen; at which time King Henry, having suppressed the troubles in Normandy, secured that dutchy to himself, and overcome all the enemies of his greatness abroad, received complaints from the earl of Chester, that frequent devastations were made in Cheshire, and parts of Flintshire, which belonged to the jurisdiction of that earldom, by the king of North-Wales, or by the rulers of provinces under him. Gilbert de Clare, earl of Pembroke, but then called earl of Chepstow from the chief place of his residence, complained also that Owen, the son of Cadogan ap Blethyn, harboured and maintained some bands of robbers, who infested his country. Henry swore in his anger, that he would not leave one Welch man alive in Powis-land or North-Wales; but, after having extirpated all that nation, would plant in each of them new colonies of his own subjects. To execute this, he drew together the whole force of his kingdom: and Alexander the Fierce, who then reigned in Scotland, came and served him in person, at the head of a considerable body of Scotch. Three armies were formed; one, under the conduct of this prince and the earl of Chester, which was designed to attack North-Wales; another, led by the earl of Chepstow, which was ordered to invade those districts of South-Wales, that were still possessed by the natives; and a third, commanded by the king of England himself, with which he proposed to conquer all Powis-land. But upon his approach to that country, Meredyth ap Blethyn, intimidated by the dread of impending destruction, went and delivered himself up to his mercy; and

Owen

Owen ap Cadogan fled to Gryffyth ap Conan. Henry then changed his first design ; and joining his forces with those of the king of Scotland and the earl of Chester, invaded North-Wales. But all the people of that realm having retired to the mountains, and carried away all their cattle and provisions, according to the orders which their king had prudently given, these great regular armies could not pursue them for want of subsistence, or from the impracticability of the country itself ; and some detachments, that attempted to do it, were attacked by the enemy in the streights of the mountains, and either cut to pieces, or repulsed with loss and disgrace. Under these difficulties Henry had recourse to negotiation, and artfully raised a jealousy between Owen and Gryffyth, by making each of them imagine, that the other was treating a separate peace for himself. Thus, with the assistance of Meredyth, whom he chiefly employed in this business, he brought them both to seek his friendship, on such conditions as just sufficed to save his honour, but were not answerable, either to the great designs he had formed, or the extraordinary forces he had raised. For though, in consequence of this treaty, a large sum of money was paid to him by Gryffyth, perhaps as a fine, or compensation, for the ravages made in Cheshire and Flintshire, we are not told, even by English or Norman writers, that the Welch monarch submitted to do him homage. And the fine received was by no means adequate to the expence of the war. Nor did Henry acquire one foot of ground in the kingdom of North-Wales, or drive out any of the ancient inhabitants, or plant any new colonies of English or Normans, either in that country, or in Powis-land. The earl of Chepstow indeed appears to have subdued those districts of South-Wales which were then possessed by the natives : for, though the Welch chronicle takes no notice of what he

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he performed in this war, we find by it soon afterwards, that the whole of that kingdom, *as it had been enjoyed by Rhees ap Tewdor*, was in the hands of King Henry; from whence it may be inferred, that the reduction of it was now entirely completed.

Welsh
Chron.

p. 175, 176.

But, after some years, new disturbances arose in that country, from the pretensions of Gryffyth the son of Rhees; who, when his father was slain in the battle against Robert Fitz-Haimon, had been conveyed into Ireland, and remained there till the year eleven hundred and thirteen; which was about the twenty fourth or twenty fifth of his age; when he was permitted to return and visit his sister, who, many years before, had been mistress to Henry, and was mother to Robert earl of Gloucester. After her commerce with the king was broken off, Gerald de Windsor, a gentleman much esteemed for his valour and prudent conduct, being then governor of Pembroke castle, obtained her hand, and was made, by her interest, lieutenant to Henry over a part of that province. With him Gryffyth was allowed to remain for some time, unmolested by the king: but suspicions arising that he began to carry on intrigues with the Welch, whose affection to their natural princes was still unsubdued in their hearts, orders were sent to arrest him; which being informed of, he implored the protection of Gryffyth ap Conan, the friend of his father, who assured him, he should be safe within the bounds of North-Wales.

Welsh
Chron. ut
supra.

When Henry received intelligence of his being gone thither, he wrote a letter to that king, in terms of great friendship, desiring him to come and confer with him in England: which request being complied with, he received him very honourably, and gave him great presents, such as the poverty of the kings of North-Wales had not been accustomed to, and which therefore had a great effect on his mind. After having thus engaged his affections, he discoursed with him concerning the son of Rhees

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ap Tewdor, whom he represented as one whose ambition would disturb the peace of all Wales. Honour and good faith are seldom the virtues of a barbarous nation. The integrity of Gryffyth ap Conan was corrupted by these seductions. When he returned to his kingdom, he commanded a body of soldiers, whom he kept in readiness for his service upon any occasion, to go and seize the person of Gryffyth ap Rhees; who, being advertised of his danger took refuge in a church. The Welch, of all Christian nations, were the most superstitious in the respect they paid to holy places, allowing all criminals, even murderers and traitors, to have a secure protection there, not only for themselves, but for their servants, and even for their cattle; to feed which last considerable tracts of pasture land were assigned, in the whole compass whereof they were sacred and inviolable. Nay, with relation to some principal churches, such as that of Aberdaron, to which Gryffyth ap Rhees had recourse, the right of sanctuary was extended as far as the cattle could range in a day and return at night. Yet the king of North-Wales, having violated his promise, and the laws of hospitality, scrupled not to infringe the privileges of the church; and ordered the prince to be dragged out of his asylum by force. In doing this he exposed his authority to some danger. His soldiers endeavoured to execute his orders; but they were strongly opposed by the whole clergy of the country; with whom the people took part, not only from their bigotry but from compassion and love for a British prince, the last descendant of a long line of kings, whose memory they respected, sacrificed now, by a perfidious and inhospitable policy, to an odious, foreign power. The contention about him continued till night came on; and before morning he was secretly conveyed to Stratywy, a woody region of South-Wales; where having assembled his friends he

V. Girald.
Cambrenf.
Cambriæ
descript. c. 8.

Welsh Chro.
ut supra.

he made a sharp war against the Flemings and Normans, taking and burning some castles, and threatening even that of Caermarthyn, which king Henry had made his royal seat in that kingdom. Those who had the charge of it, distrusting their own strength, as insufficient to maintain it, sent for the nobles of the country, who were vassals to the king, and committed to their custody both the castle and town, requiring each of them, with the assistance of his own men, to defend them by turns, for fourteen days. Owen ap Caradoc, who was a grandson by his mother to Blethyn ap Convyn, first received this commission; and, notwithstanding his near relation to Gryffyth ap Rhees, acted agreeably to the trust reposed in him, and the oath of fealty he had taken: for, that prince making a sudden assault on the town, he ran to oppose him; but, being forsaken in the action by most of his men, was slain upon the rampart. The town was pillaged and destroyed; and Gryffyth returned to the forest of Stratywy, like a lion to his den, from whence he frequently issued, and ravaged the whole country. The spoils his followers had gained in the plunder of Caermarthyn, and the reputation he had won by that exploit, drew to his standard great numbers of his countrymen in South-Wales, who confidently hoped that he would recover the kingdom of his father. Thus strengthened he vigorously pursued his success, and in a short time destroyed two castles of the English; upon the fame of which actions the people of Cardiganshire voluntarily submitted themselves to his government; calling him to deliver them from the detested and ignominious yoke of the Normans. Much pleased with this invitation he entered that country, and by the most rapid successes made himself master of it as far as Aberistwyth, which town he besieged; but being there drawn into an ambush laid for him, he was defeated and compelled to quit the

the province. Nevertheless he maintained himself in the woods of Stratywy, till at last King Henry, who had vainly endeavoured to destroy him, by sending against him Owen the son of Cadogan, a wicked but valiant prince, consented to assign him other lands in South-Wales: but he did not long remain in possession of this grant, being driven out, upon accusations brought against him by the Normans, which the Welch chronicle says were false. In the mean while, some of the Welch in Powisland having revolted, the English monarch once again marched thither in person, to chastise the rebels. In passing a defile, he was struck by an arrow on the breast. If his habergeon, or coat of mail, had not been stronger than usual, the wound would have been mortal: but the skill of his armourer saved him. We are told by the Welch chronicle, that this was a mere random shot, made at the English by a Welchman, who, with others of his countrymen, had been posted by their master, Meredyth ap Blethyn, to guard the pass. But William of Malmesbury says, that Henry was marching, not in the enemy's country, but his own; and that when he felt the blow, he swore, *by the death of our Lord*, his usual oath, that the arrow came not from a Welch, but English bow. He never was able to discover the traitor: and the danger he had run made him prudently desirous of ending the war; which he did, soon afterwards, by a negotiation with Meredyth, who submitted to pay him a thousand head of cattle, and a small sum of money, as a fine for the treasons committed in this insurrection by himself and his nephew; on which terms he very willingly granted to these princes pardon and peace, and returned into England. Gryffyth ap Conan, though strongly solicited took no part in this war against the English; nor do I find any proof, that Meredyth was excited to it by a secret confederacy with Gryffyth ap Rhcees.

Welch
Chron. sub
ann. 1122.

De Hen. 1.
f. 89. c. 30

Welch Chro.
ut supra.

A year

Ord. Vital.
sub ann.
1134, 1135.

A year before the death of Henry, while he was in Normandy, there arose some disturbances, in and about those districts of Pembrokeshire where the Flemings were settled. For the natives were impatient of these strangers among them; and they, being very sensible how much they were hated, killed without mercy, or form of trial, any of the Welch who were discovered by them lurking about in their woods, from an apprehension that they came with an intent to commit some murder or robbery; which, it must be acknowledged, the manners of that people gave them cause to suspect. But as bare suspicion could not justify such a lawless proceeding, when the nations were at peace, and fellow-subjects under the protection of the same king, the Welch were reasonably provoked at these acts of hostility, and some of the bravest, who dwelt upon the borders of the Flemish plantations, suddenly taking up arms assaulted the castle of Paine Fitz-John, burnt it to the ground, and massacred all the inhabitants, men, women, and children: after which, posting themselves in the most inaccessible retreats of their woods, and gathering numbers to join them, they infested from thence the whole country of the Flemings. Henry thought this insurrection of consequence enough to demand his presence in Wales at the head of an army, which he prepared for that purpose: but the intended expedition was stopt by his disputes with Geoffry, his son in law, and by his death, which soon followed.

As soon as the news of that event was brought into Wales, the spirit of revolt became much more diffusive; and even Gryffyth ap Conan, who, from a personal regard for Henry, had been many years a steady friend and ally to the English, now turned against them; confederating himself with the rebels in South-Wales. King Stephen was hardly seated in the throne, when these made an incursion into the county

V. Gest Reg
Steph p. 930.
931, 932.

county of Pembroke, and cut to pieces a very considerable body of Normans : after which, being animated by their success, they over-ran the whole country, except the fortified towns and castles, massacring all the foreigners, wherever they came. Richard, eldest son of Gilbert de Clare, to whom all Cardiganshire had been given by Henry, was treacherously slain by Morgan ap Owen, in the course of this insurrection; and the county thus deprived of its chief governor and commander, was furiously attacked by Owen Gwyneth and Cadwallader, sons of Gryffyth ap Conan, who, with the assistance of some nobles or chieftains, of South-Wales, took and destroyed the castle of Aberistwyth, and two or three others in that province, though strong and well garrisoned. These fortunate beginnings having excited their friends to support them, they received great supplies, and were joined by Gryffyth ap Rhees, who had married their sister. The three brothers, with united forces, subdued the whole country, as far as to Cardigan, then called Aberteivy, driving out all the foreigners, and peopling it again entirely with Welch. Against them came Stephen, constable of Aberteivy, who, after the decease of Gerald de Windsor, had married Nesta, his widow; two sons of Gerald; and other barons who had estates in those parts, with all the power of the Normans and Flemings in Wales or the marches, which they had drawn together, in order to recover what was lost of the English dominions, or, at least, to defend what remained. But the valour of the Welch seemed to be raised above its usual pitch, under the conduct of those princes by whom they now were commanded. The English were routed, and flying to their castles were so hotly pursued, that great numbers of them were drowned in the river Teivy, by the breaking down of a bridge, over which they were passing; besides three thousand, who were killed in the battle and flight,

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Continuar. ad
Fler. Wi-
gorn. sub
ann. 1135,
1136, 1137.
Brompton's
Chron. sub
istem annis.
Welch Chro.
p. 188 to
190.

V. G. Camb.
Itiner. Camb.
c. ii. l. 1.

and many more taken prisoners: insomuch, that, from the time when the Normans first entered Wales, they never before had received so great a defeat, nor had their arms been so disgraced in any other country. The Welch used their victory with the utmost inhumanity, thinking excess of revenge a virtue, and, according to the nature of a barbarous people, knowing no moderation when successful. Soon after this battle, the castle of Aberteivy, with many districts in other parts of South-Wales, fell into their hands. The sister of the earl of Chester, who, after the murder of her husband, Richard de Clare, had retired to one of his strongest castles, was now besieged in that fortress by these merciless enemies, in want of necessary provisions, and expecting every hour, a fate more cruel than death itself: for they had exposed their female captives, even those of the highest rank, to publick prostitution. She quite despaired of relief; the English being all slain, or driven out of the country; her brother far off, and so taken up in defending the earldom of Chester, that he could not be able to bring her a timely assistance. In this dreadful state she was preserved by the courage and good conduct of Milo Fitz-Walter, then constable to King Stephen, and afterwards made earl of Hereford by the empress Matilda, of whom much has been said in the former book. This nobleman, being in Brecknockshire, which he had obtained from King Henry together with his wife, the daughter and sole heiress of Bernard de Neufmarché, the first conqueror of that province, received orders from Stephen to use his utmost efforts to deliver the unfortunate countess of Clare. The enterprize appeared to be almost impossible: but his pity of her distress, and the gallant spirit of Chivalry, no less than his obedience to the commands of his sovereign, made him attempt it. He instantly marched, with a body of chosen troops, along the tops of the mountains

tains, and most unfrequented paths of the woods, with which the country there was covered, and arriving at the castle unseen by the enemy, who thought it inaccessible on that side to the English, carried off the lady and all her attendants: an action resembling those of the knights in romances!

It does not appear, that during all the course of this war, Glamorganshire ever was attacked by the Welch; though the opportunity seemed to be favourable; the earl of Gloucester, who was lord of that province by his marriage with the heiress thereof, having been absent from thence almost the whole time. But as that nobleman, on the mother's side, was lineally derived from the kings of South-Wales, and bastardy, by the customs and laws of the nation, was accounted no stain, the Welch might naturally consider him as a prince of their own, and for this reason might allow him a portion of that kingdom his ancestors had enjoyed; especially as he was also the son of a king whom they had greatly respected.

When the conquest of Cardiganshire was entirely completed, the land was divided among the confederates. In the following year, eleven hundred and thirty seven, died Gryffyth ap Rhees, who, in the Welch chronicle, is called *the light, honour, and prop of South-Wales*; and his death was quickly followed by that of Gryffyth ap Conan, styled by the same historian *the only defence and shield of all Wales*. Both indeed were princes of uncommon abilities, especially the latter, who had reigned fifty years in a country so liable to changes of government, and, by his valour and policy, had not only preserved it from intestine commotions, but freed it from its former subjection to England. After his death his dominions were divided among his sons; but the sovereignty was in the eldest, Owen Gwyneth. They

Welch Chro.
from p. 191.
to p. 194.

continued sometime in fraternal concord and amity one with another; their ambition being employed in endeavouring to expel the English and Flemings from every part of South-Wales. At the beginning of Owen's reign, he and his brothers made an inroad into that kingdom; took some castles that the Normans had lately built in Caermarthynshire; and burned to the ground, a second time, the town of Caermarthyn. King Stephen suffered much, both in reputation and dominion, by these losses in Wales: but a nearer concern employed his thoughts, how to secure to himself the crown of England. The urgent necessity of resisting the attempts of the Welch had been assigned as a reason for giving him that crown; but he judged it more necessary to restrain and subdue the opponents of his title than the enemies of his kingdom; and therefore left the defence of the English territories in Wales and the bordering counties of England, to those who were more immediately interested in them, the proprietors of the lands, and the lords of the marches; only supplying them with large sums of money: which proving ineffectual, he thought it expedient to make peace with the Welch, by leaving them all they had conquered, free of homage or tribute. At least it does not appear, that any such mark of his sovereignty over them was ever paid to him by any of their princes in North or South-Wales. Yet, by these shameful concessions, he only stopped them awhile from further hostilities; but lost for ever the affections of all his English subjects in Wales and the borders. It appears that all the noble families, except that of Clare, which had any possessions or grants within the Welch confines, and all the counties of England contiguous to Wales, declared for Matilda, and adhered to her, through the whole civil war. Nor did the treaty made with Stephen prevent the Welch
princes

princes from strengthening the earl of Gloucester with a numerous body of auxiliary forces. In the latter years of this reign the sons of Gerald de Windsor, and Gilbert de Clare earl of Pembroke, made some attempts to recover those districts of South-Wales, which the above-mentioned peace had abandoned to the Welch, particularly the provinces of Caermarthyn and Cardigan: but they were driven out again by the sons of Owen Gwyneth and of Gryffyth ap Rhees, after having been defeated in several battles, and having lost some castles, which Gilbert de Clare had rebuilt. Another very strong one, in Flintshire, had been often unsuccessfully besieged by the Welch, and the garrison of it much infested the neighbouring country, till Owen himself came before it, and, notwithstanding a very obstinate and valiant defence, took it by storm, and immediately levelled it to the ground. A little before he began this siege he had lost a favourite son, who had distinguished himself by many brave actions against the English. The weight of that affliction lay heavy on his mind: he seemed entirely deprived of all sense of joy: but the glory of this achievement so raised his spirits, that he shook off his grief, and returned to his former pleasures. If all the Welch had united under this martial prince, during the weakness and confusion which the long civil war between Stephen and Matilda had brought upon England, they might have driven all the foreigners out of their country: but the dissensions that arose among their own chiefs interrupted their victories, diminished their force, and made some of them friends and confederates to the English. Madoc ap Meredyth, who then was master of almost all Powisland, disdaining to hold it under the sovereignty of North-Wales, joined his arms to the earl of Chester's, which had been lately victorious against the Welch in those parts, and made an incursion

Welch Chro.
from p. 197,
to p. 199.

Welch Chro.
p. 199.

Welch Chro.
from p. 199.
to p. 204.

with him into the territories of Owen. That prince gave them battle; and though their forces were much superior to his, both in numbers and in arms, he entirely routed them, and cut to pieces, or took prisoners, most of their men; but the leaders escaped by the assistance of their horses; the conquering army having none. Hot incursions were likewise made by the sons of Gryffyth ap Rhees into the territories of Madoc, to revenge his treason against his country; for such they esteemed his confederacy with the English: but while their arms were thus employed, or turned against the sons of Owen, with whom they often had disputes on the division of conquests, the English and Flemings in South-Wales recovered strength, and were enabled to defend their long-disputed possessions.

Such was the state of all Wales, and of the English plantations, or settlements, which had been made there by conquest, when Henry the Second ascended the throne of England. The general character of the Welch, as it was in those days, has been given with so much accuracy, spirit, and judgment, in the writings of Giraldus Cambrensis, a celebrated, contemporary author, and one, who was himself related to them in blood, that I think it will be proper to collect what he has said in different places, and set the whole picture before the eyes of the reader. He tells us, that not only the nobility and gentry, but the whole people of Wales, were universally addicted to arms: that they gave no attention to commerce, navigation, or mechanical arts, and but little to agriculture; depending for sustenance chiefly on their cattle; and disliking, or rather disdaining, any labour, except the toils of war and hunting, in which, from their infancy, they trained themselves up with unwearied alacrity; military exercises, or the severest fatigues in the woods and mountains, being their constant

V. Girald.
Cambrensis.
Cambriæ de-
script. c. 8,
9, 10, 11,
12, 15, 17,
18. et Itiner.
Camb. l. ii
c. 5. et li-
brum ejusd.
de Illustrabi-
libus Walliæ.

constant diversions in time of peace. Their bodies were naturally not robust; but, by this manner of life, they became exceedingly active, hardy, and dextrous in the use of their arms, and ever ready to take them up, when occasion required it. To fight for their country, and lose their lives in defence of its honour and liberty, was their chief pride: but to die in their beds they thought disgraceful.

A very honourable testimony was given to their valour by King Henry the Second, in a letter to the Greek emperor, Emanuel Comnenus. This prince having desired that an account might be sent him of all that was most remarkable in the island of Britain, Henry, in answer to that request was pleased to take notice, among other particulars, of the extraordinary courage and fierceness of the Welch, *who were not afraid to fight unarmed with enemies armed at all points, willingly shedding their blood in the cause of their country, and purchasing glory at the expence of their lives.* But these words must not be taken in too strict a sense, as if they had absolutely worn no armour: for they used small and light targets, which were commonly made of hides, and sometimes of iron: but, except their breasts, which these guarded, all the rest of their bodies was left defenceless; nor did they cover their heads with casques, or helmets; so that in comparison of the English, or other nations of Europe, they might be called *unarmed*. Their offensive weapons were arrows, and long pikes, or spears, which were of great use against cavalry; and these they, occasionally, either pushed with, or darted; in which exercise the whole nation was wonderfully expert; but, more especially, the men of North-Wales, who had pikes so strong and well-pointed, that they would pierce through an iron coat of mail: but those of South-Wales, and, particularly, the province of Guent, or Monmouth, which was then a

part of that kingdom, were accounted the best archers; not being inferior, in the use of the long bow, to the Normans themselves.

The common people fought on foot; but some of the nobility began now to ride upon horses bred in their own country, which were high-mettled and swift, but, not very strong: and even these gentlemen would frequently dismount, both in combating, and when they fled; the nature of their country, as well as their discipline, being better adapted to foot than horse. Their first onset was terrible; but, if stoutly resisted, they soon gave ground, and could never be rallied; in which they resembled other barbarous nations, and particularly the Britons and Celts, their forefathers. Yet, though defeated, and dispersed, they were not subdued; but presently returned to make war again upon those from whom they had fled, by ambuscades and night marches, or by sudden assaults, when they were least expected; in which their agility, spirit, and impetuosity, made up what they wanted in weight and firmness: so that, although they were easily overcome in a battle by regular troops, they were with great difficulty vanquished in a war. The same vivacity which animated their hearts inspired their tongues. They were of quick and sharp wit; naturally eloquent, and ready in speaking, without any awe or concern, before their superiors, or in publick assemblies. But from this fire in their tempers they were all very passionate, vindictive, and sanguinary in their resentments: nor was their revenge only sudden and violent, when they received any personal injury or affront, or while the sting of it was recent in their minds; but it was frequently carried back, by a false sense of honour, even to very remote and traditional quarrels, in which any of their family had been ever engaged. For not only the nobles and gentry, but even the lowest among them, had each by heart his own genealogy.

nealogy, together with which he retained a constant remembrance of every injury, disgrace, or loss, his forefathers had suffered, and thought it would be degeneracy not to resent it as personal to himself: so that the vanity of this people, with regard to their families, served to perpetuate implacable feuds, and a kind of civil war among private men; besides the dissensions it excited among their kings and chief lords, which proved the destruction of their national union, and consequently broke their national strength.

They were in their nature very light and inconstant, easily impelled to any undertaking, even the most wicked and dangerous, and as easily induced to quit it again; desirous of change, and not to be held by any bonds of faith or oaths, which they violated without scruple or sense of shame, both in publick or private transactions. To plunder and rob was scarce accounted dishonourable among them, even when committed against their own countrymen, much less against foreigners. They hardly ever married without a prior cohabitation; it being customary for parents to let out their daughters to young men upon trial, for a sum of money paid down, and under a penalty agreed upon between them, if the girls were returned. The people in general, and more especially their princes and nobles, gave themselves up to excessive lewdness; but were remarkably temperate in eating and drinking, constantly fasting till evening, and then making a sober meal; unless when they were entertained at the tables of foreigners, where they indulged themselves immoderately, both in liquor and food, passing at once from their habit of abstinence to the most riotous and brutal excess: but, nevertheless, when they came home, they returned with great ease to their former course of life; and none of their nobles were led by the example of the English to run out their fortunes

by a profuseness in keeping a table. No kind of luxury was yet introduced into their manner of living; not even a decent convenience, or neatness. They seemed to be proud of not wanting those delicacies which other nations are proud of enjoying. Their kings indeed, and a few of their principal nobles, had built some castles, in imitation of the English; but most of their gentry still continued to dwell in huts made of wattles, and situated in solitudes, by the sides of the woods, as most convenient for hunting and pasture, or for a retreat, in time of war. They had no gardens, nor orchards, nor any improvements about their dwellings, which they commonly changed every year, and removed to other places (as the Britons and Celts, their ancestors, had been accustomed to do) for the sake of fresh pasture and a new supply of game.

Their furniture was as simple and mean as their houses, such as might answer the mere necessities of gross and uncivilized nature. The only elegance among them was musick, which they were so fond of, that in every family there generally were some who played on the harp; and skill in that instrument was valued by them more than all other knowledge. This greatly contributed to keep up that cheerfulness, which was more universal and constant in the Welch than in the Saxons or Normans.

Notwithstanding their poverty they were so hospitable, that every man's house was open to all; and thus no wants were felt by the most indigent, nor was there a beggar in the nation. When any stranger, or traveller, came to a house, he used no other ceremony, than, at his first entrance, to deliver his arms into the hands of the master; who thereupon offered to wash his feet; which if he accepted, it was understood to signify his intention of staying there all night; and none who did so was refused. Whatever the number or quality of their guests might happen to be, the master and mistress
of

of the house waited on them, and would not sit down at table with them, or taste any food, till they had supped. The fire was placed in the middle of the room, on each side of which was spread a coarse bed of hemp over a thin mat of rushes, where the whole family and their guests slept together, without even a curtain betwixt them. Their feet lay always next to the fire, which, being kept burning all night, supplied the want of bed-cloths: for they had no covering but the cloaths they wore in the day.

It was customary among them to receive in a morning large companies of young men, who, following no occupation but arms, whenever they were not in action strolled over the country, and entered into any house that they found in their way; where they were entertained, till the evening, with the musick of the harp and free conversation with the young women of the family: upon which Giraldus Cambrensis makes this remark, that of all the nations in the universe none were more jealous of their women than the Irish, or less than the Welch. In other respects their manners so nearly agreed, when that author wrote, as to discover the marks of a Celtic origin common to both.

One is surpris'd in observing how absolutely the Britons, after their retreat into Wales, lost all the culture they had received from the Romans, and, instead of refining the ancient inhabitants of that part of the island, relapsed themselves into their rude and barbarous manners. This is the more wonderful, because the Latin tongue and no contemptible share of its learning were long preserved in their publick schools, and continued, though indeed in a declining state, even down to the times of which I write. They had also retained the profession of the Christian religion, but debased with gross superstitions: Giraldus Cambrensis informs us, that they paid, in his days, a more devout reverence

V. Taciturn
in vita Agr.
colæ, c. 21.

verence to churches and churchmen, to the reliicks of saints, to crosses, and to bells, than any other nation. Whenever any of them happened to meet a monk, or other ecclesiastick, they instantly threw down their arms, and bowing their heads implored his blessing. When they undertook a journey into any foreign country, or when they married, or were enjoined by their confessors any publick penance, they paid a full tenth of all their goods, which they called *the great tythe*, in the proportion of two parts to the church wherein they had been baptized, and one to their bishop. How far they carried their respect to asylums and sanctuaries has already been mentioned. The excess of their superstition with relation to this point is censured by Giraldus Cambrensis himself, as great a bigot as he was; and it certainly must have been one principal cause, why so many murders and other crimes were committed among them. Their hermits were celebrated for severer austerities than any others in Europe, the vehemence of their temper carrying their virtues, as well as vices, into extremes. Pilgrimages to Rome were their favourite mode of devotion, though they had many saints of their own nation, whose shrines they adored with the blindest superstition. In short, their religion, for the most part, was so different from genuine Christianity, that either it was prejudicial to civil society, or did it no good.

Welsh Chro.

1. 205.

The first act of government relating to Wales, that we find to have been done by Henry the Second, was his strengthening the colony of Flemings in Pembrokeshire, by allowing some of the Flemish mercenaries, whom, in the first year of his reign, he banished out of England, to go to their countrymen established in that province, and settle among them. This was a very prudent and politick measure. For they were as serviceable there to him and his realm, as they had been hurtful in England.

The

The former plantation, after the Welch had subdued the bordering provinces, had, with invincible courage, maintained their ground, till the decease of King Stephen. A cessation of hostilities on the part of the Welch soon followed that event: their princes becoming jealous the one of the other, and more inclined to dispute among themselves the possession of the conquests they had made, than to attempt more, either separately, or confederated together. This reinforcement of brave and veteran soldiers was therefore sufficient to defend the Flemish colony; and Henry was contented with thus fortifying that part of South-Wales which was still possessed by his subjects: but as, in the late civil war, his mother had been affectionately served by the Welch, and he was embarrassed with several more urgent affairs at the beginning of his reign, he suffered their princes to retain the provinces, which, under that of his predecessor, they had recovered from the English: yet not by a cession of them; or any acknowledgement of the right of those princes; but by a bare acquiescence, which left him at liberty to assert his own pretensions to the dominion thereof, and the claim of his subjects to the lands, at a more proper season. All Powis-land, except some districts between the Wye and the Severne, which were held of his crown by the earl of Chester and other barons of England, was then under the government of Madoc ap Meredyth, his friend and vassal. But the conduct of this prince had rendered him so obnoxious to the rest of his countrymen, and more especially to Owen Gwyneth, that, with a view to his future security, he diligently employed all his credit with Henry, to incite him to make war against North-Wales, in order to reduce it under its former subjection to England. These instigations were vehemently enforced by Cadwallader, brother to Owen; who, having killed his own son-in-law, the eldest son

Itiner. Camb.
l. ii. c. 10
Chro. Norm.
p. 993.
Gul. Neu-
brig l. ii. p.
383, 384.
Gerv. Chron.
M. Westm.
et Annales
de Waver-
ley. sub ann.
1157.
Welsh Chro.
sub eod. ann.
Bampton
Chron. sub
ann. 1158.

son of Gryffyth, late prince of South-Wales, in single combat, upon a sudden quarrel, had been driven out of his country by Owen himself, and was now an exile in the court of England; where he sued to the king for aid to recover his lands. In this suit he was assisted by all the relations and friends of his wife, a lady of the noble and powerful house of Clare. But, more than all their persuasions, the desire of glory, and a just sense of the importance of the object proposed to him, urged Henry on to this war. He thought it would be a reproach, and a stain to his honour, if he should suffer any longer a petty prince of North-Wales, whose predecessors had been tributaries and vassals to England in former times, to hold his dominions independent of him, whose empire extended so far beyond that of any other monarch, that ever had reigned in this island. Nor could he, in the high and flourishing state of his kingdom, be easy under the loss of those provinces of South-Wales, which the weakness of Stephen's government, amidst the distractions of civil war, had enabled the Welch to reconquer from the English; especially, as neither the sons of Gryffyth ap Rhees, nor those of Owen Gwyneth, had ever done him homage for the territories they held in any parts of that country. He knew, that none of his subjects, who still retained their possessions within the limits of Wales, could hope to enjoy a lasting tranquillity, unless he subdued the arrogance of those ambitious princes, and forced them to acknowledge that he was their sovereign. There was no enterprize, which could be undertaken by him in foreign parts, so necessary as this; or of equal advantage to his *great interest*; that is, to the interest of his *regal dominions*. He therefore resolved to attempt it, and having drawn out of the whole militia of England a very great army, he led it through Cheshire into Flintshire, and advanced to-
wards

wards Basingwerk, a castle built by an earl of Chester, which the Welch, in the late reign, had taken and demolished. At this place, or nigh to it, Owen Gwyneth lay encamped, with all the forces he could collect out of a populous nation, in which (excepting the clergy) every man was a soldier. He seemed determined to stay there and give battle to the king; but this appearance was only an artifice, to draw the English into a narrow and difficult pass, between two ranges of hills, where he had secretly placed a numerous ambuscade, under the command of his sons. Henry, too confident in the strength of his army, and not consulting enough with those who had a more perfect knowledge of the country, fell into the snare, and paid dearly for his rashness. When he and his vanguard were engaged in the middle of these streights, the Welch, rising at once, with the most horrible outcries from under the cover of the woods, that hung over the steep and rocky sides of the pass, assaulted them with stones, arrows, and other missile weapons. The disadvantage of the place, the confusion they were thrown into, the dismay that came upon them, quite disabled them from resisting this unexpected attack. Two great barons, Eustace Fitz-John and Robert de Courcy, were slain. Henry, finding it impossible to advance any further, endeavoured to retire back to the entrance of the streights, and with much difficulty performed it: but most of the troops, which had composed his vanguard, were miserably destroyed, before he was able to disengage, either them, or himself, from this fatal situation. Some, who escaped by flight, carried their fear along with them, and meeting the rest of the army, who were advancing in good order to the entrance of the pass, spread among them a report of the death of the king: upon which, Henry de Essex, hereditary standard-bearer of England, was seized

V. au^{thor}.
citat. ut
supra.

seized with such a terror, that he threw to the ground the royal standard, and cried aloud, "The king is slain!" The consternation became general; the troops fell into disorder; the Welch perceiving it, issued forth, and attacked them with great fury; the whole army would have been routed in the most shameful manner, if Henry, at this instant, had not shewn himself to them, and, with a countenance full of alacrity, encouraged, rallied, and led them on to the charge. Animated by the joy of seeing him safe, they quickly drove the enemy back into the wood. He then drew off his forces, and encamping them in a station where he had nothing to fear, deliberated with his barons and other principal officers, what measures he should pursue in the management of the war, against such dangerous enemies, whose valour he found so well conducted. The plan, he now formed, was, to leave upon his left the tract of woody hills, through which he had so unhappily attempted to pass, and march along the sea-shore, till he should get beyond Basingwerk, to the back of the post the Welch had taken; at the same time ordering his fleet (as Harold had done) to cruize along the coasts, and make descents upon the open parts of the country. But, when Owen was informed of these resolutions, he retired to a strong post in the mountains of Snowden, and there encamped. Henry immediately subdued all Flintshire; and, to secure his possession, made roads for an army to pass without difficulty through the whole province; cut down the woods; rebuilt the important castles of Ruthlan and Basingwerk; began that of Flint; and founded a house for the Knights Templars, which was a new kind of garrison, unknown before in that country, but as useful as any other to bridle the Welch. While he was employed in these works, Owen dreading the consequences of their being compleated, came down from the mountains, and advanced to the borders

borders of Flintshire. Several skirmishes happened afterwards between the two armies, but no general action; the Welch prince being afraid to venture a battle in an open or level country, and the king of England, instructed by the loss he had suffered, as carefully avoiding to expose himself, or his army, to any more ambuscades. In the mean time a great fleet, assembled at Chester by his orders, had sailed from that harbour and assisted his operations in Flintshire; after which he sent it to infest the other coasts of North-Wales, under the command of Madoc ap Meredyth, whom he employed in this service, to render the enmity between him and his countrymen more irreconcilable. Some of the forces of that prince, in conjunction with the English, made a descent on the isle of Anglesey; where they ravaged the country, and plundered even the churches without resistance: but as they were returning to their ships, overloaded with spoils, the whole strength of the isle fell suddenly upon them and cut them to pieces. Yet, though this attempt was so unfortunate, Owen, finding himself unable to hinder the English from subduing or desolating the most fertile parts of his maritime provinces, and preventing the importation of corn from abroad, was very uneasy for fear of wanting provisions, if he should either remain long in the post he had taken, or shut himself up with his army in the desarts of Snowden. He therefore sued for peace; which Henry granted him on such terms, as were both advantageous and honourable to England; namely, that Owen should do him homage, yield up all the districts and castles in North-Wales, which, during the reign of king Stephen, had been won from the English, and deliver two of his sons as hostages for his future fidelity. He also obliged him to restore the lands of his brother Cadwallader; by which that prince was confirmed in his attachment to England, and others of the Welch nation were encouraged to desire

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V. eustores
citat. ut su-
p. a.

its protection and favour. Having obtained these great points, and put strong garrisons in the castles of Ruthlan and Balingwerk, he left the remains of the war to be prosecuted by the Lords of the Marches against the inferior Welch princes, who, he supposed, would not long continue in arms, after Owen had submitted. Nor was he mistaken in his judgement. For, at the beginning of the following year, all the princes of South-Wales, except Rhees ap Gryffyth, and all the lesser chieftains and nobles of that country, came to him in England, and there received from him the conditions of a peace, which he accorded to them on their making a full cession to him of all the territories or lordships, which had been won from the crown or subjects of England in the reign of his predecessor, and doing him homage for their own patrimonial estates. As for Powis-land, the much greater part of that country was then under the government of Madoc ap Meredyth, who held it of him by liege homage; and the rest was in the hands of several English lords, except perhaps a few districts, conquered from them by the Welch during the course of the war, and allowed by the king to continue in their possession, upon their becoming his vassals. But no quiet or perfect settlement could be made of South-Wales, while Rhees ap Gryffyth remained unconquered. The great spirit of that prince could not patiently endure to see the dominions, which for many ages had belonged to his illustrious ancestors, torn by the arms of ambitious foreigners from him and his children. He commanded his people to remove their flocks, herds, and other goods, to the desert of Tywy, and made war on the king of England, though deserted and betrayed by all his confederates: Henry, who esteemed his courage and magnanimity, sent him a friendly invitation to come to his court, with an assurance that he should be graciously and kindly received; but threatened, if he refused

V. auctores
citat. ut supra.

refused the favour offered to him, that the whole power of England and Wales should be employed to bring him thither. Having consulted with his friends what answer to return, and being advised by them to go, he followed their counsel; and the king, receiving his homage, gave him the ancient demesne of his ancestors in South-Wales; but not without taking from him, as hostages for his fidelity, two of his sons; a like security having been exacted from all the other Welch princes. Thus was concluded this troublesome and very dangerous war, with great honour to Henry, who, in the issue of it, recovered all the English possessions within the confines of Wales, which Stephen had lost; and did that, which neither his grandfather, King Henry the First, nor William Rufus could do, restored to England it's sovereignty over the whole nation, by forcing not only the inferiour princes, but the king of North-Wales himself, to hold his territories as a vassal, under homage and fealty.

Some years after these events, a quarrel arising between Henry de Essex and Robert de Montfort, the former was publicly reproached by the latter for his cowardly behaviour in this war, and accused of high treason. Henry had called him to no account for it, at the time when it happened: imputing it only to a sudden impression of terror, and not to a wilful or criminal treachery, which there does not seem to have been the least reason to suspect. Military discipline, indeed, might require him to be punished, and the king was strict in that discipline (as a wise prince will always be); but, in this instance, his regard for the honour of a family, which both in blood and alliances was very illustrious, and some compassion for an unhappy moment of weakness, which future actions might atone for, prevailed over that rigour, which, necessary as it is, may sometimes give way to the dictates of humanity, even for reasons of prudence.

Vid. New-
brig. l. ii.
c. 5.
Brompton's
Chron. sub
ann. 1158.

Vid. Fitz-
Stephen in
vitâ S. Tho-
mæ.

Henry de Essex served afterwards in the war of Toulouse without reproach : but this unfortunate quarrel happening, and one of his peers thus arraigning him of a capital crime, he either demanded himself a trial by duel (less improper in this case than, perhaps, in any other) or agreed to it when offered by his accuser : and the king, though he disapproved that barbarous method of trial (as I shall have occasion to shew hereafter) could not avoid allowing it at the request of both the parties. He therefore appointed the lists according to law : the combat was fought in his presence : Henry de Essex was vanquished by his braver antagonist ; and, if he had suffered the legal penalties, must have been ignominiously put to death, or, at least, have lost his eyes : but the king, with his usual clemency, mitigated that doom ; permitting him to take the habit of a monk in the abbey of Reading ; the only state proper for him ; as the rules of Chivalry in those days would not allow him to continue any longer in the world, or hold lands by knight's service, under such a load of publick dishonour.

Hoved. Ann.
par. ii. et
Chron. Mail-
ros, sub ann.
1157.

During the course of the year eleven hundred and fifty seven, while Henry was at Chester, Malcolm the Third, king of Scotland, came to wait upon him there, and do him homage for the fiefs he held of England, which he did *with a saving to all his royal dignities*. The next year he again atten-

Hoveden. sub
ann. 1158.

ded a great council, held by Henry at Carlisle, and was very desirous of receiving from the hands of that monarch the honour of knighthood : but some difference, unaccounted for by any historian, arising between them, Henry would not then confer upon him that favour. Yet they still continued friends ; and, whatever this cloud of dissatisfaction might be, it was soon dissipated. The Christmas festival of the year eleven hundred and fifty eight being celebrated at Lincoln by Henry, upon his return from Carlisle, he wore his crown, as in such solemnities

Neubrig. l.
ii. c. 9.

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nities it was customary to do; but held his court *in the suburbs*, from regard to an ancient superstition, which supposed that great calamities would befall any king who should be crowned *in that city*. Stephen had been the first, who publicly despised, and acted against this absurd opinion, but the crown having been afterwards taken from his family, it was confirmed more than ever in the minds of the vulgar. Henry yielded to a folly he could not remove, and, perhaps, in so doing he acted wisely: but although he complied with the people, in this instance, he did not think with them, if we may judge by his behaviour on another occasion. For Giraldus Cambrensis tells us, that as he made some stay at St. David's, on his return out of Ireland, a woman of the country brought a complaint to him against the bishop, which not being instantly answered by him in the manner she desired, she cried out, with great vehemence, screaming and clapping her hands, *Avenge us, Lech-laver, avenge our nation, this day, of this man*: nor could she be hindered, by the endeavours of those who were present, from often repeating these words. Now, this *Lech-laver*, whose vengeance she so wildly invoked, was a great stone, ten feet in length and six in breadth, which lay across a small rivulet, in the cathedral church-yard. Probably it had been one of those consecrated stones, which the ancient druids erected in many parts of this island; and though Christianity had long abolished the worship, the superstition of the Welch might still ascribe to it some miraculous power: but what this woman alluded to was a prediction very famous among them, and supposed to have been delivered by their great prophet, Merlin, that a king of England, returning from the conquest of Ireland should die upon Lech-laver. Henry being informed of this by the persons about him, went and looked at the stone for a few moments, and then passing

Hibernia ex-
pugnata, l. i.
c. 37.

over it said aloud to all there, *Who will hereafter have any faith in the liar Merlin?* From whence I conclude, that he would not have been afraid of being crowned within the walls of Lincoln, if he could as easily have shewn the vanity of that prophecy, as he did of this; or if he had not judged that the superstitions of his subjects in England required more complaisance from him than those of the Welch.

Diceto et
Annales Wa-
verl. sub ann.
1158.
Hoveden. sub
ann. 1156.

In the same year, eleven hundred and fifty eight, was compleated a very great and difficult work, which the king had begun two years before; namely, the restoring of the money of his kingdom to it's due weight and fineness. From the continual wants and disorders of government during the reign of King Stephen it had been so debased, that Henry saw a necessity, for the sake of the national commerce, to call in the whole, and recoin it; an act the more meritorious, as it does not appear that any aid was granted to the crown for defraying the expence of it, or any loss sustained by the owners of the specie thus brought to the mint! Together with the rest was gathered in and melted down all that money, which, during the late unhappy times of anarchy and confusion, many of the barons, usurping the exercise of royal authority, had dared to coin in their own names: and this sufficiently accounts for none of those coins having ever been found. It was indeed very proper, not to let any memorials remain to posterity, of such a violation of the rights of our monarchy, in one of it's greatest and most essential prerogatives.

Neubrig. l.
ii. c. 7.
Chron. Norm.
p. 992, 994.
Argentré Hist.
de Bretagne,
l. iv. c. 15

The kingdom of England enjoying now a perfect tranquillity, Henry went over to Normandy, where some affairs of importance demanded his presence. By the death of Conan le Gros, late duke of Bretagne that dutchy had been thrown into great troubles and disorders. For this prince having disinherited his son Hoel on an uncertain suspicion of bastardy,

tardy, Eudo earl of Pontieure (now called Pen-tièvre) laid claim to the succession, in right of Bertha, his wife, the eldest daughter of Conan, whom he had married after the decease of Alan earl of Richmond and of the lower Bretagne, her first husband. But the inhabitants of the city and earldom of Nantes, having an affection for Hoel, who, they thought, was unjustly deprived of his inheritance, put themselves under his government. While they were engaged in a war with the earl of Pontieure on this account, his wife Bertha died: which event produced immediately a new competition; Conan le Petit, her son by the earl of Richmond, laying claim to the duchy, and Eudo, his father-in-law, refusing to resign it. Much blood was shed in this quarrel, but, after various successes, the baron de Fougères, who fought for Conan, took Eudo prisoner; whereupon almost all the nobility of Bretagne did homage to the former. During the course of these troubles the inhabitants of Nantes and it's earldom had remained for some time under the dominion of Hoel; but finding by experience that he was deficient in sense and courage they afterwards drove him out, as incapable of the government to which they had called him; and he probably died very soon, or retired into a convent; no further mention being made of him in the history of those times. Nevertheless his late subjects, instead of submitting to Conan, elected for their ruler, Prince Geoffry Plantagenet, who, having been lately disappointed in his design upon Anjou, gladly embraced this occasion of advancing his fortune. Nor did his brother, King Henry, oppose their choice: but on the contrary (if we may believe an historian of Bre-
Vid. auctores
citat. ut su-
pra.
Argentré
l. iv. c. 52.
 tagne) supported him against Conan; the goodness of his nature overcoming all those sentiments of resentment, which the past behaviour of this prince might have reasonably excited. And indeed, with-

out his assistance, the people of Nantes must have found it a very difficult enterprize, to maintain that province thus divided from the rest of the dutchy. He did not even avail himself of this new provision made for Geoffry, to withdraw from him the pension he had settled upon him. But a long possession of either was not granted by Providence to this unfortunate prince. Within less than two years from his election he died, and left no issue. Presently after his decease Conan seized on the earldom as belonging to the dutchy: but King Henry laid claim to it, as heir to his brother, who, I presume, left it to him by a testamentary settlement, with the consent of the citizens and vassals of the earldom: for otherwise it would be difficult to make out his title; since what Geoffry had possessed, not by blood, but election, could never descend from that prince to his elder brother by right of inheritance. But he might desire, on his death-bed, to atone in this manner for his former rebellions against him; and his will might be ratified by the nobility and the people; who having offended, by their past conduct, both Conan and Eudo, were afraid of submitting to either of those princes, and could find no potentate who was so able to defend them against both as Henry Plantagenet. How far they were justified in denying obedience to Conan, after the expulsion of Hoel, may be matter of doubt. The best excuse for it is, the latitude, which the ancient British customs, that continued to prevail, with regard to the government, there, as well as in Wales, gave to the community in disposing of the right of succession. But, whether the title of Henry was just or unjust, he did not much apprehend any opposition thereto, unless a jealousy of his further aggrandisement in France should induce Louis to take part with Conan, or Eudo, against him: and therefore he set on foot a negotiation, which he had reason

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son to believe would hinder that monarch from obstructing his designs. This was a proposal for a treaty of marriage between Prince Henry, who was now his eldest son (William, his first-born, having died about two years before) and Margaret the daughter of Louis le Jeune by his second wife, Constantia, princess of Castile. Both were very young children; but it was the mode of the times to cement alliances and connect families by contracts between royal infants. The offer was joyfully accepted by Louis, who thought it both advantageous and honourable to him; and Constantia, his queen, most passionately desired it, having no greater object of ambition (as she had no son) than to procure for her daughter the inheritance of the kingdom of England, and other territories possessed by the house of Plantagenet. Henry knew this, and meant to avail himself of these dispositions for more than one purpose. Besides the advantage of not being molested in his pretensions to Nantes, he hoped, by means of this alliance to recover Gisors and the rest of the Norman Vexin, which had been ceded by his father to Louis le Gros. This territory was a frontier of great importance, containing, besides the strong fortress above-mentioned, the castles of Neufle and Neuschâtel, with some others of lesser note; which chain of forts, if re-united to the dutchy of Normandy, would form a good barrier for the defence of that country; but remaining in the hands of the king of France, would expose it to continual danger. Henry proposed that these places should be given by that prince as a portion to his daughter: and, considering the greatness of the match he offered, the demand was not exorbitant. Overtures being made of this affair to Louis by Chancellour Becket, the two kings had an interview on the borders of Normandy, in which they agreed on the match, and mutually pledged

Diceto Imag.
Hist. et
Gerv. Chron.
sub ann.
1158.
Chron.
Norm. p. 994.
Neubrig. l.
ii c. 7.
Hist. Ludov.
vii. Reg.
apud Du-
chesne, tom.
iv. p. 415.
416.

V. auctores
citat. ut su-
pra.

their faith thereupon to each other : but some circumstances requiring a further discussion, Louis returned to Paris, and Becket was sent to negotiate with him there.

In the mean time Henry, secure of having no opposition from the French court, which he had entirely gained by the lure of this marriage, ordered all the military tenants of his dutchy of Normandy to attend him in arms at Avranches, on the feast of St. Michael ; declaring his resolution to make war against Conan in the dutchy of Bretagne, if that prince should refuse to yield to him the possession of the city of Nantes with it's earldom. While the forces were assembling, Becket's negotiation was skilfully conducted and happily finished. He had been instructed to require, that the young princess should be immediately sent into Normandy, and educated there, under the care of her father-in-law, till she should be of an age to accomplish the marriage. How uneasy soever this separation might be to the fondness of her parents, their consent to it was gained by the address of the minister ; and thus Henry obtained the custody of her person, which was the most effectual security for the performance of the contract, against any change in the variable mind of her father. It also gave Henry an air of superiority, which he was desirous to assume in this treaty. Becket found greater difficulty in another part of his business. His master required, that Gisors, with the other castles and territories that were to be given as a portion to Margaret, should be immediately delivered into his hands. But this was refused ; and undoubtedly with good reason ; because a portion is not given upon a contract of marriage, but upon it's conclusion. To get over this objection Becket proposed, that Gisors and the castles of Neufle and Neufchâtel should be instantly committed to the custody of three knights templars,

Diceto imag.
hist. p. 512.
Heriberto in
v. Becket.
Neubrig l. ii
c. 34.
Brompton's
Chron.
p. 1030.

templars, named by both kings, who should deliver them to Henry, on the day that his son should wed the princess. This was agreed to, and Henry gained by it a considerable advantage, from the neutrality of those places, which commanded his whole frontier, in case of a war breaking out between him and Louis. The complaisance of the latter may not only be ascribed to his eagerness for the match, but also to the dexterity of Henry's ambassador, who excelled in the arts of persuasion and insinuation, to which, upon this occasion, he added a liberality, that was still more prevailing. If we may believe a contemporary writer of his life, he loaded with presents every French nobleman, baron, knight, and servant of the king or queen: nay, he extended his munificence to the doctors in the university of Paris, to the students, and to all the principal citizens. The court therefore, and all persons who could have any influence over the king or his ministers, were disposed to assist him in every thing he desired. The above-cited author adds, that, before he departed from Paris, he gave away all his gold and silver plate, and almost all his wardrobe, in which were contained no less than four and twenty changes of garments. The magnificence he displayed in this embassy was prodigious! He had in his own family two hundred knights, with all their attendants, amounting, upon the whole number, to above a thousand persons, whom he lodged, fed, and cloathed in new and pompous apparel. Some accounts that are given of the luxury and expence of his table are incredible; but it is certain that he lived with most extraordinary splendour, and made entertainments to which the French themselves, the most elegant nation on this side of the Alps, had not been accustomed. The whole kingdom of France was filled with the renown of his immense generosity, which redounded much to the honour and service of his master.

V Fitz-Stephen in vita
S.T. Cantuar.

Chron.
Norm. p
994.

Having

Having so successfully concluded his negociation, he would have returned into Normandy; but Louis, to express the satisfaction he felt in the union of the two families by means of this match, invited Henry to come to Paris, and receive the princess himself. The proposal was agreeable. Henry went thither, and was entertained with all the honours, that the utmost civility of those times could devise. He received them with an amiable and graceful politeness; but, as much as he could, avoided all pompous forms and ceremonies; his mind being too great, and his understanding too solid, to be fond of such pageantry, or not to be weary of it, even where it was necessary to attract the admiration and respect of the vulgar.

It is an observation of Philip de Commines, that interviews between kings seldom produce good effects, but generally rather tend to lessen their friendship than to encrease it: and the reasons he gives for it are very judicious: yet here it proved otherwise, from the skill and prudence of Henry, who found the secret of pleasing the nobility and people of France, without raising any jealousy or envy in the king. Nor did the pleasures of Paris engage him so entirely, as to divert his attention from weightier matters. He not only took advantage of the good humour of Louis, to gain his approbation of the litigable title to Nantes and its earldom, which he was prosecuting against Conan, but, with the assistance of Becket, whose influence over that monarch was become very great, obtained from him a commission to go into Bretagne, and, by virtue of the office of Seneschal of France, which belonged to the earls of Anjou, judge and determine the dispute between Conan and Eudo earl of Pontieure, upon the right to that dukedom.

Gerv. Chron.
sub. ann.
1158.

Argentre
hist. de Bre-
tagne. l. iv.
c. 51, 52.

The latter of these competitors had, some time before, recovered his liberty, by corrupting the Baron

Baron de Fougères, into whose hands he had yielded himself a prisoner, and who had kept him in his own custody, without delivering him to Conan: but the best part of the dutchy having submitted to that prince, he retired to Paris, and soon afterwards served the king of France against the earl of Mascon, a rebellious vassal. Fortune was more favourable there to his valour: he defeated the earl, took him prisoner, and delivered him to the king. On the merit of this service he flattered himself that Louis would support his pretensions to Bretagne, and was preparing to begin a war against Conan, at the time when this commission was granted to Henry. Conan was now in the utmost perplexity. Violent storms were apparently gathering against him on every side. Henry had already seized on his earldom of Richmond, and by denying the claim of that prince to Nantes, he might provoke him to decree in favour of Eudo. Finding therefore no safety but in obtaining his friendship, he went to him at Avranches, on the feast of St. Michael, the day appointed for the rendezvous of his forces, and made him a cession of Nantes with it's whole county; soon after which Henry gave sentence in his favour, and fixed him in the dukedom. It should seem that the dispute was cognizable by Henry, as duke of Normandy, because Bretagne was acknowledged to be a fief of that dutchy; but it would have been easy for Eudo to find a pretence of appealing from his court to that of the king of France, as supreme lord of both countries, if the commission given to Henry, as Seneschal of the kingdom, to determine this affair in the name of the king, had not prevented all means of eluding the judgement, and made it definitive. Indeed it was wrong, while the claim of the English monarch to a province of Bretagne was depending, that he should be impowered to exercise such a jurisdiction;

Chron.
Norm. et
Argentié, ut
supra.

dition; and, though his sentence might be just, yet, appearing to be purchased by the cession of that earldom, it had an air of injustice.

Presently after the interview between him and Conan, he went to Nantes, and took possession of it with a great army, which may have been necessary to guard him against the earl of Pontieure. Having settled every thing there he marched into Poictou, where the lord of the castle of Thouras, on some quarrel not explained in the history of those times, had thrown off his allegiance, and, probably, would have been joined by other noblemen of that province, if the king had been long detained, as they might presume he would be, by the disputes in Bretagne: but he came unexpectedly before the castle, and took it by assault the next day; which rapid success put an end to the rebellion begun in those parts, before it could rise to any dangerous height. From thence he returned very hastily into Normandy, being recalled by his desire to attend the king of France, whom the accomplishment of some vow, or other act of devotion, brought at this time to the abbey of Mont St. Michel, a Norman town near Avranches, on the borders of Bretagne. It was of the utmost importance to Henry, in his interests on the continent, to endeavour to preserve the affection of that monarch, from which he already had drawn great advantages, and hoped to draw still greater. He therefore went to receive him on the frontiers of Normandy, nobly entertained him, with all his retinue, as long as he staid in that duchy, waited upon him in person where-soever he went, and conducted him back at his return into his own territories. Louis had a temper exceedingly sensible to compliments of this nature: they made him look upon Henry, not as a rival king, of whom he ought to be jealous, but as an obsequious, affectionate vassal. And, while he gave

Chro. Norm.
ut supra.
Gerv. Chron.
sub ann.
1158.

gave himself up to the illusion of these pleasing ideas, that able prince pursued, without any interruption, a judicious and well-connected system of measures for the continual advancement of his own greatness in the kingdom of France. Presently after this time he brought the earl of Blois to yield to him the strong castles of Fretteval and Amboise, which had been usurped from Anjou, and the earl of Perche to restore two fortresses, which had belonged to his demesne in Normandy, but were unjustly taken from it, amidst the confusion that followed the death of his grandfather, King Henry the First. In return he consented that the town of Belesme should be held of him, under homage, by the last of these earls. He now had recovered, not at once, as he did in England, but gradually, as occasions conveniently offered, whatever had been alienated, during the late civil war, from the demesne of the dukes of Normandy: a great accession of wealth and strength, by which he was in reality no less a gainer than if he had conquered a province! Nor could he have done it without some opposition, if the friendship he had so happily cultivated with Louis had not rendered the nobility, whose grants or usurpations were thus resumed, afraid of resisting him, from a despair of support. And, considering how much the quiet of that dutchy had been disturbed, in past times, by the intrigues of the barons with the French court, the preventing of so great a mischief would have alone been a reason, why Henry should labour, while these affairs were transacting, to secure to himself the most favourable dispositions, on the part of the king of France, by the most soothing complaisance to his humour. He did so in one instance which is very remarkable, though it has not been taken notice of by any historian.

It appears from a letter written to that king by Pope Adrian the Fourth, that he had acquainted his

Chro. Norm.
P. 994.

Chro. Norm
1153. 1157.

Vid. Adriani
IV, Papæ ep.
-6. apud
Duchefne, t.
iv.

his Holiness with a pious intention of going into Spain, to make war on the Moors, which he was preparing to execute, instead of undertaking another crusade against the Saracens, or Turks, in the East. The same evidence likewise shews, that he had proposed the affair to Adrian, not only in his own name, but in that of the king of England, who was to accompany him in this expedition. But the pontiff very wisely advised him against it, because the Christian princes of that country had neither asked his assistance nor approved of his coming. The letter is dated the twelfth of the calends of March, but the year is not mentioned. Several reasons induce me to believe, that it must have been written in the year eleven hundred and fifty nine, and that the design mentioned in it had been formed and agreed upon, between the two kings, about the latter end of the preceding autumn. For Joseph king of Morocco, the son of Abdulmumen of the race of the Almohades, having made himself master of all the Mahometan empire in Africk, except what was subject to the Caliph of Egypt, had passed over into Spain with a very great army, in the year eleven hundred and fifty seven, to aid the Moors in that country, who had submitted themselves to his government, against the arms of Alphonso, king of Castile and of Leon, whose daughter Constantia was at this time queen of France. Alphonso dying soon afterwards, his dominions were divided between his two sons. The eldest, to whom he bequeathed the kingdom of Castile, survived him only one year, and left an infant to succeed to his crown. It was then, I imagine, that Louis, being alarmed, and apparently with good reason, on account of the nonage of his nephew, thought that the circumstances of the Christians in Spain called upon him to assist them against the Moors. And he, probably, asked the aid of Henry in this war, when that prince was his guest at Paris, or rather

V l'Afrique
de Marmol.
t. i. l. ii. c.
35. Mariana,
sub ann.
1157, 1158.

rather when he went himself into Normandy; because, at that time, the disturbances in Bretagne and Poictou being quieted, and England in a state of perfect tranquillity, Henry had leisure to engage in such an enterprize. It was very difficult for the latter, upon any occasion, to resist the impetuous desires of Louis: but still less could he do it, in an affair of this nature, where, all the enthusiasm of that monarch's zeal being kindled, he would not listen to reason, nor endure a denial without the utmost resentment. Yet, as neither the regency of the kingdom of Castile, nor the other princes of Spain, had made any application to either king for succour, it seemed imprudent and absurd to force it upon them. The reason why they had not was doubtless a jealousy of letting into their country great armies of foreigners, which might in the issue be as dangerous to them as the Moors. Nor were they really so incapable of defending themselves as Louis imagined: for the forces raised by Sancho, the son of Alphonso, had vanquished the Moors in a great battle soon after his death; and the king of Morocco, discouraged by that defeat, had ceased to attack them, and turned his arms against some princes of his own religion in Spain, who refused to pay him obedience. On the other hand, the late crusade had so much exhausted France, that it could ill sustain a further waste of its blood and treasures. Indeed a confederacy against the Moors in Spain was far from being so irrational as against the Mahometan princes in the East; because all the western Christians, but chiefly the French, and particularly the inhabitants of the dutchy of Aquitaine, had a much greater interest to drive those infidels out of that country, than out of Syria or Judæa: but, in their present weak condition it was more advisable to postpone such an enterprize, and leave the Moors to destroy themselves by intestine divisions.

sions. Henry was sensible of this, and had other designs in view; but he also knew that any arguments would have more weight with Louis, if they came from the pope, than if objected by him. The season of the year, which was then approaching to winter, would not permit even the zeal of that monarch to think of passing the Pyrenean mountains. It would be necessary to defer the expedition till the spring; and, if the fervour of Louis did not abate in that interval, the crusade could not be published without the authority of the pope, from whom the protections, indulgences, and all the other graces annexed to those enterprises, were to proceed. Henry therefore promised Louis to be his confederate: but at the same time, he relied on the prudence of Adrian to prevent the execution of so rash a design. There is great reason to believe he acquainted that pontiff with his own thoughts upon it, and secretly advised him to exhort the king of France against the undertaking: for otherwise Adrian would have written to him, as well as to Louis, on that subject, and would have used the same arguments to convince him of the unsuitness of what he proposed: but no such letter is extant. The French monarch, who considered the counsels of Rome as the oracles of God, let drop his intention, as soon as a disapprobation of it was expressed by the pope; and thus Henry, without any difficulty, or dispute with that prince, was freed from his engagement. In the mean time, he had diligently made great levies of men, in Normandy, Aquitaine, and all the dominions belonging to him in France; which Louis supposed were intended for the purpose of the crusade, as he himself had begun to make the like preparations. But it soon appeared that these forces had another destination.

Henry now avowed his resolution to revive the pretensions of his queen on the earldom of Toulouse;

louse; pretensions, which Louis himself, when husband to Eleanor, had thought well founded. For William the Eighth, duke of Aquitaine, who was grandfather to that princess, had married the daughter and heiress of the earl of Toulouse, and by that marriage the earldom was annexed to his dutchy, of which, before it had been held under homage, as a fief: but being in great want of money, on account of his engagement in the crusade, he mortgaged it to his wife's uncle, Raymond earl of St. Giles, who thereupon assumed the title of earl of Toulouse, and, the mortgage remaining unredeemed, left the earldom to his son Alphonso. But Louis, having married the heiress of Aquitaine, claimed it, in right of his wife, against that prince. The dispute however was quieted by the intervention of the Holy war, in which both Louis and Alphonso engaged. The latter died at Jerusalem, and the king, upon his return, renewed his claim against the son of Alphonso: Raymond the Fifth, who, probably, would have been forced to yield the earldom to him, if, by marrying his sister Constantia, the widow of Eustace eldest son to King Stephen, he had not amicably compounded the quarrel between them. But all the rights of the dutchy of Aquitaine being afterwards conveyed from Louis to Henry, by the marriage of the latter with the repudiated dutchess, he could not be barred from pursuing his pretensions to this earldom, whenever he might think it expedient to do so, by the acquiescence of the former claimant for reasons of his own. Yet he did not rely so much on the justice of his cause, as not to put all the force, he possibly could, on his side. He therefore confederated himself with the earls of Montpellier, of Nimes, and of Blois, who, upon former quarrels, were personal enemies to the earl of Toulouse. Raymond

earl of Barcelona was disposed to join in this league, by motives of the same nature: but as he was a much greater potentate than any of the others, being possessed of Province, and having the government of the kingdom of Arragon in right of his wife, Henry, to fix him more firmly in his interest, both now and hereafter, concluded with him a treaty, by which he betrothed Prince Richard, his second son, and then an infant, to the young princess of Arragon, daughter to Raymond, and promised to give them the dutchy of Aquitaine when they should be of an age to consummate the marriage. As soon as he had finished these negotiations in France, he returned into England, a little before Easter in the year eleven hundred and fifty nine, thinking it necessary to visit that kingdom before he began so great a war, in which he wanted the assistance of his English subjects. Being called by some affairs to the borders of Wales soon after his arrival, he held a great council, or parliament, in the city of Worcester, where he kept his Easter festival together with Eleanor, and where they both wore their crowns, as their royal predecessors had usually done on such occasions. But when they came to the oblation, they laid them down, on the altar, and vowed to wear them no more. What was the occasion of this vow we are not told: but their following actions demonstrate, that it is much easier to give up the ensigns of royalty than the love of dominion.

The barons of England engaged chearfully in support of the king's pretensions to the earldom of Toulouse; though they might well have refused it; as it, certainly, was not a war wherein this kingdom was obliged to take any part, either by alliance or interest. Aquitaine alone was concerned in the quarrel: but all Henry's subjects were then so well affected to his person and service, that they thought his greatness their own. Indeed,
till

Hoveden, sub
ann. 1159.
pars posterio-
r.

till much later times, whoever attends to the history of England will constantly find, that when a king governed well, and knew how to keep himself on good terms with his barons, they were but too ready to assist him in any foreign wars, even of ambition and conquest. The cause of this may be found in the temper and circumstances of our ancient nobility, who, being illiterate, and ignorant of those elegancies of life which embellish and enliven a peaceful state, and finding that military merit, both by the notions of the times and institutions of the government, would most advance their reputation and fortunes, were always inclined to draw their swords in the quarrels of their sovereign, if they did not draw them against him. But besides this general inclination, it has been often observed, during the course of this work, how much our nobles were influenced in their political conduct, by the sieges that many of them held in those parts of France which were subject to our kings. This influence must have increased in the reign of Henry the Second, whose power abroad was so much greater than that of his ancestors. It is no wonder therefore that he was able to engage the barons of England, and all his military tenants, to assist him in this war. Nor does it seem that the policy of those times ever regarded his dominions upon the French continent as prejudicial to England. Those which were maritime provinces (and most of them were so) appeared very commodious to the English, on account of their trade; especially Normandy and Bretagne; which, lying opposite to their coasts, secured to that nation the sovereignty of the whole British ocean. And this advantage arose from all his French territories, that while so large a portion of that kingdom was under his government, France had much more to fear from England than England from France. For all these reasons his English subjects were more in-

clined to urge him on to an attempt of this nature, than to oppose or restrain him. All his nobility followed him to this expedition with incredible ardour: and (what was more extraordinary) Malcolm, the young king of Scotland, attended on him in person; the first time, and the last, that any monarch of that nation ever fought under an English banner against the French! About the middle of summer, in the year eleven hundred and fifty nine, the confederate troops were assembled from all parts in Guienne, and composed such an army, as seemed more than sufficient to subdue all the territories of the earl of Toulouse, if the king of France remained neutral. Those territories indeed were much more extensive than the district which at present belongs to that city: for they comprehended the Quercy and almost all Languedoc. Yet though the power of this earldom was very considerable, it was not equal to the force which Henry had drawn from his own dominions in France; much less when that force was increased by the assistance of such potent confederates, and by a formidable army brought over from England. The only valid defence, which could be opposed by the earl to an enemy so superior, was the aid of Louis, his sovereign. But Henry had been so dextrous, as to prevail on that monarch, to promise him that he would take no part in this quarrel: and, from the ascendant he had gained in all his counsels, he believed he might rely, with the utmost security, on the performance of an engagement so agreeable to the tenour of his past conduct. But the pathetick remonstrances of the earl of Toulouse roused the good king from his lethargy. He represented to him, with all the eloquence of grief and indignation, that his best friends were sacrificed to his connections with Henry, who, under the name of a vassal and the mask of a friend, was his most dangerous enemy; who already was possesst
of

V. P. Daniel
hist. de Fran.
t. iii. p. 12.

V. Fitz Ste-
phen in vita
S. T. Cantu.

of the better half of his realm; and whom he never could satisfy by any concessions; since ambition, like avarice, encreases by its gains. That none of his vassals would any longer hope protection from him, if he gave up his own brother-in-law to the violence of that prince: and that very hard would be the fate of his sister Constantia, if, after having seen the dutchy of Normandy torn from her first husband, and given by her brother himself to Henry, who had likewise deprived the family, into which she had married, of the kingdom of England, she should also behold her second husband despoiled of his territories, by the same encroaching hand; and this too with the consent of a brother whom she loved, and whose affection she had never deserved to lose, by any fault on her part.

The good nature of Louis could not be insensible to these complaints; nor could he deny that the strongest reasons of prudence and policy called upon him to restrain the ambition of Henry from more acquisitions in France. The motions of his mind were always sudden and violent; and, when once he was heated, he considered no difficulties, and knew no fear. Following therefore the impulse communicated to him by Raymond, he not only resolved to assist him against Henry, but, before that monarch had begun the siege of Toulouse, threw himself into the city, with only a few soldiers, resolving to defend it to the utmost extremity, and regardless of the danger, to which, by this temerity, he exposed his own person, and, together with that, the whole kingdom. Henry who had too confidently depended on his promise to observe a neutrality, was much surprised and embarrassed upon receiving this news. Being doubtful how to act, he desired to hear the opinions of his council. Becket advised him to march, without a moment's delay, and assault Toulouse, which,

V. Neubrig.
l. ii. c. 10.
p. 388.

V. Fitz-Stephen in vit.
S. T. Cantuar. Johann.
in Quadtilo.
c. 9.

the garrison being weak and insufficient to defend it, might be easily taken, and with it a more important and more glorious prize, the person of Louis himself, who had so imprudently thrown himself into it without an army. But others of the council objecting, that it would be too enormous, and too criminal a violation of the feudal allegiance, for a vassal to take and hold in captivity the person of his Lord, the chancellor answered, *That the king of France had then laid down the person of Henry's liege lord, when, against the engagements and conventions between them, he had opposed himself to him as an enemy*; and therefore he treated the scruple as vain and groundless. This opinion was agreeable to the spirit and fire of his character; and if the measure he advised had proved successful, it would have added greatly to the glory and renown of his master. The pride of the English nation would have been infinitely pleased with seeing a king of France taken prisoner by their sovereign, and brought into England. No equal triumph had yet graced the annals of that kingdom; and no people in the whole universe are naturally more sensible to any encrease of their national honour than the English. These were strong reasons for agreeing to the advice of Becket; but others, of no small weight, were urged against it. Considering the number of the fiefs held under Henry, it was highly for his interest, that the feudal principle of an awful reverence, on the part of the vassal, for the person of his Lord, should by no means be weakened. His own security depended so much upon it, that it was very impolitical for him to set an example of distinguishing it away by particular casuistry, and subtilties of argument, which, on other occasions, might be turned against him by his vassals. But further, it was very doubtful, whether the other princes and peers of France would see the affair in the same lights as Becket saw

saw it, or allow his reasoning to be valid. If they did not; if they considered the offence done by Henry against the person of his Lord as an act of high treason, which could not be justified by the circumstances of the case, he had much to fear from their resentment. Louis, though not highly esteemed, was beloved by his vassals. Many of them, who would not intermeddle in the quarrel between the duke of Aquitaine and the earl of Toulouse, might take up arms to free their king, and the supreme lord of their fiefs, from an ignominious captivity. Indeed a general league of all the princes and peers of France for the deliverance of Louis, and for restraining the too formidable power of Henry, was to be then apprehended. The latter, in such a case, could not depend even on those who were now his confederates; and thus the war might end, at last, with great detriment to him, by separating from him those friends and allies whom he had laboured to gain, and perhaps by the confiscation of all the territories he held of the crown of France. But there was still a further reason, which added to the foregoing, might possibly turn the scale in this deliberation. Louis had no issue male: his daughters by Eleanor were virtually illegitimated by her divorce: his present queen had not bred for three years past: if he should happen to die without a son, the princess Margaret, espoused to the young prince of England, would be heiress to his kingdom in the course of descent. Whether the Salick law, or the ancient customs of the French nation, would bar that right of succession, and give a preference to the uncle before the daughter, was a question not yet decided, and more likely to receive its determination from the arms of those who were interested in the dispute, than from the opinions of lawyers. When so great a portion of France, as the duchy of Aquitaine, was allowed to descend to a woman,

man, and to be governed by her husband, that precedent might be naturally extended to the whole; especially, as the husband of Margaret, being heir to so many territories within that realm, might well be regarded as a Frenchman. The great power and interest, which Henry had there, with the whole force of England to assist him in the contest, might very probably get the better of all opposition from her uncles, and enable that prince to make his son and daughter-in-law king and queen of France. There was something in this idea very flattering to a mind so ambitious as his; but to give it any solidity, it was necessary to avoid, with all possible care, whatever might alarm or offend the French, and above all things to be cautious, that no opportunity should be given to Robert earl of Dreux, the king's brother, to put himself at the head of any considerable party, and get the government of the kingdom into his hands. Now, if Louis should be taken prisoner, that earl would probably be made regent, and in that situation it would not be difficult for him, finding his countrymen exasperated and incensed against Henry, to bring the nation to settle the succession on him, in case of the death of Louis without a son. This consideration therefore, together with those beforementioned, determined Henry to reject the counsel of Becket, specious and tempting as it was.

V.G Camb.
et Brompton's Chron.
p. 1044.

For, though we are told by some writers, it was a saying of his, *That the whole world is no more than sufficient for one great man*, the schemes he pursued to promote his greatness were always guided by the sober dictates of policy and prudence. Not even the advice of a favourite, whose opinion had the highest authority with him, could induce him to sacrifice a right plan of conduct *to the triumph of a day*; but, notwithstanding the great vivacity and warmth of his temper, he had patience to wait for that glory, which is the certain but slow result

result of a series of wise, systematical measures. Instead therefore of hastening to lay siege to Toulouse, while Louis remained in that city, he declared his resolution, that, *out of respect to the person of that king, he would not besiege it.* But against all the territories of Earl Raymond, except his capital only, he held himself at liberty to make war, and made it, with all his usual alacrity: so that in less than three months he conquered the greater part of the earldom of Toulouse, and took Cahors, the capital of the Quercy, with many other castles and strong places. Nor did Louis oppose him in any of these enterprizes, contenting himself with securing the city of Toulouse, first by his own presence there, and afterwards by a numerous body of forces, which he brought into it and left there, besides repairing and augmenting the fortifications. But his brothers, the earl of Dreux and the bishop of Beauvais, had, by his orders made some ravages on the frontiers of Normandy. At the same time Henry sent home the earl of Blois, to attack the royal domain in the parts about Orleans; which obliging the king to provide for the defence of that country, he could not act very powerfully, against the dutchy of Normandy, or in aid of Earl Raymond. No exploit of great importance was done on that side by either party, through the whole course of the summer, or during the months of August and September: but about the beginning of October, Henry, having repaired the fortifications of Cahors, to cover and secure his conquests in Languedoc, committed it to the custody of his chancellor Becket, and leaving his allies, the earls of Barcelona, Montpellier, and Nismes, to continue the war in the earldom of Toulouse, returned with the main body of his own troops into Normandy; from whence, after he had given some repose to his soldiers, he made an incursion into the Beauvoisis, took Ger-

beroi,

V. Neubrig.
l. ii. c. 10.
Dicet. Imag.
Hist. sub
ann. 1159.
Chr. Brompt.
p. 1051.
Chro. Norm.
p. 995, 996,
997.

V. Fitz-Stephen in vita
T. Cantu et
Johan. in
Quadrilogo,
c. 9.
V. Neubrig.
et auctores
citatos ut
supra.

V. Fitz-Stephen in vita
T. Cantu.
et Johan. in
Quadrilogo,
c. 9, 10.
V. Neubrig.
l. ii. c. 10.
Dicet. Imag.
Hist. sub ann.
1159.
Chr. Brompt.
p. 1051.
Chro. Norm.
p. 995, 996,
997.

beroi, a strong fortress, and burnt it to the ground, excepting one tower, which the flame and smoke of the buildings, that had been fired round about it, hindered his men from approaching. He also destroyed many villages and farms of that country, in revenge of the cruel devastations, which the bishop of Beauvais had made on the borders of Normandy.

Thus were his arms in all places victorious: but, while he was carrying on these warlike operations, he gained no less by intrigues. For, in consequence of a secret treaty, concluded with Simon de Montfort, earl of Evereux, he prevailed upon that lord to receive Norman garrisons into three of his towns, Montfort l'Amauri, Epernon, and Rochefort; by which he entirely cut off the communication of Paris with Estampes and with Orleans. This was an advantage of great consequence! Louis, who felt himself extremely distressed by it, and perhaps was touched with the extraordinary mark of respect, which Henry had shewn him, inclined to peace; an inclination, the latter was ever disposed to comply with, for the reasons abovementioned, and more especially at this time, when the season of the year made it necessary for him to draw his forces, which had been greatly fatigued, into winter quarters. A truce was therefore concluded, which was to last from Christmas till eight days after Whitsunday; and in the mean while negotiations for peace were carried on with success. Becket was, undoubtedly, the chief negociator on the part of King Henry, whose favour he had gained more absolutely than ever, by great services in this war, not only as a counsellor, but as a soldier and a leader. For he brought into the field seven hundred knights, all of his own household. And it must be observed that every one of these was attended by a squire. The writers of Becket's life affirm, that a great number of barons and knights of England did ho-

mage

V. Fitz-Stephen in vita
S. F. Cantu.
et Johann. in
Quadrilogo,
c. 9; 10.

mage to him, which he received with a reserve of their fealty to the king, and thereupon gave them his protection and patronage. They also tell us, that many noblemen not only of England, but of the neighbouring countries, sent their children to be educated, and trained to chivalry, in his family, and under his discipline. It is no wonder, therefore, that he was able to lead so numerous a band to this expedition; and we are assured, they were esteemed the bravest soldiers in all the king's army, charging first and daring most in every engagement. Nor was the chancellor himself less forward than they. When the king went into Normandy, he was left in the Quercy, to defend Cahors and the other conquests made in that province; but he did more: he took by storm, at the head of his troops, three castles in those parts, which were accounted impregnable, and for that reason had been left unattempted by Henry. He also passed the Garonne, and made inroads into the earldom of Toulouse on the other side of the river. After performing these services, he left his household forces to garrison the forts he had taken, as well as those which the king had committed to his custody, and rejoined that prince in Normandy: but he did not go thither unattended: for he hired at his own charges twelve hundred knights, and four thousand stipendiaries of an inferior degree, to serve under him there forty days. The knights not only received from him a very liberal pay, but were constantly fed at his expence, and many of them at his table. During this part of his warfare, he engaged, in single combat, Engelran de Trie, a French knight, very famous for his valour, dismounted him with his lance, and gained his horse, which he led off in great triumph. It was not very decent for an *archdeacon of Canterbury* to distinguish himself by such exploits. The canons of the church were strong against it; but those canons were disregarded by many of the bishops:

and

v. auctores
citāt. ut su-
pra.

and Becket had so passionate a desire of glory, that he fought it in all ways, and among all sorts of persons. Besides, he knew that the king's temper would incline that prince to esteem and love him the more for this military merit; a sympathy of character being the strongest bond of affection. And, had he been only of use to his master in the cabinet, another might, in the field, have acquired such an influence, as he could not afterwards have removed.

Chro. Norm.
p. 997.
Neubrig. l.
ii. c. 10.

See the treaty in the Appendix.

Chro. Norm.
p. 996.

See the treaty in the Appendix.

From the conclusion of the truce in December eleven hundred and fifty nine, till May the next year, nothing of consequence was done, either by Louis or Henry: but in that month they concluded a treaty of peace, the terms of which were advantageous and honourable to Henry: for he retained all his conquests, except some towns and castles in Languedoc, which he restored to his ally the earl of Nimes, from whom they had been unjustly and violently taken by the earl of Toulouse. All that had belonged to the earldom of Poitou, and all its *rights* were confirmed to him, except the city of Toulouse, and so much of that province as he had not yet subdued: nor did he relinquish his claim even to these, but only granted to the earl a truce of one year; and it is express in the treaty, that this concession was made out of affection to Louis, and with a saving of Henry's *honour* (by which I understand the homage due from the earl) and of his own rights and those of his heirs and successors. Thus did he gain the greater part of the territories which before the war had been enjoyed by the earl of Toulouse; and he had good reason to hope, that time would enable him to acquire the remainder. The earl of Eyreux was secured, by an article of the treaty, against any effects of the resentment of Louis on account of the assistance he had given to Henry, and certain rights, which he claimed, were stipulated for him. Some

of

of the other confederates, and even those who were vassals to Henry, were left at full liberty to continue the war against the earl of Toulouse; only it was agreed, that they should receive no assistance from the former, till the expiration of the truce which he had made with the earl. There was moreover another part of this treaty very beneficial to that king. For he was empowered by it to take possession of the whole Norman Vexin, with Gisors and the other castles belonging thereunto, in *three years* from the next feast of the virgin Mary's Assumption, *for the use and benefit of his son, as a marriage portion given to him with the daughter of Louis.* And even *within that time* if the prince of England should *espouse* the said princess, *with the consent of the church*, the said province and castles were to be delivered to Henry for the use of his son. Three great fiefs of the Norman Vexin were also secured to that monarch by this treaty, even if the princess should die before the term there assigned; in which case it was agreed that the rest of the province should be restored to her father. The castles, in the mean while, were to remain in the custody of the Knights Templars, according to the tenor of the former convention, which had been concluded by Becket, when the match was agreed upon, in the year eleven hundred and fifty eight. These stipulations opened to Henry a much nearer prospect of obtaining the Vexin, than he had by that convention, besides the cession made to him of the three fiefs above-mentioned, in all events. For it might well have been doubted, whether the ceremony of an espousal, before the parties were of an age to consummate the marriage, would be sufficient to authorize the delivery of that province into his hands, according to the intention of the former agreement. And, if he had been to wait for it till the prince and princess were marriageable, the delay would have been much longer than the

term

term of three years prescribed by this treaty. Whereas he had now a clear right even to shorten that term. Upon the whole there was no cause for his being much discontented with the issue of the war, though he had not gained all that he proposed to himself when first he undertook it. The charge indeed had been great, but there is reason to believe, that it did not diminish his treasures, having been supplied by the *scutage* which he levied in England and his other dominions. It is observable, that the first mention we meet with in history of this imposition on knights-fees, which became afterwards very frequent, is upon this occasion. Henry the Second appears to have been the inventor of it: at least he was the first who brought it into England. It was a commutation for the duty of personal service *in foreign wars*; and those upon whom it was charged contributed then to the expence of such wars, in much the same manner as landholders do now, but with less inequality. The inferior military tenants were eased, by being freed from the obligation of following their lords a great way from their homes, according to the original condition of their tenures; and the service was better done, by the soldiers hired with the money which this imposition produced; because they were not entitled, like those for whom they served, to a discharge at the end of forty days, nor were they so intractable to martial discipline, as most of the others. Mercenary forces were thus introduced into the armies of England, designed to serve *abroad*, instead of vassals by knight-service, though still connected with, and dependent on the military tenures; and there seems to have been an absolute necessity for it, to answer the exigence of the many foreign wars which the English were engaged in after the entrance of the Normans, and especially under the family of the Plantagenets; the feudal militia being fitter for the defence of the kingdom,

than

than for expeditions into countries remote from their dwellings.

The scutage levied in England for the war of Toulouse was a hundred and fourscore thousand pounds; which, computing the quantity of silver contained in those pounds; and the value thereof in those days, compared with the present, is equal to two millions seven hundred thousand pounds sterling. Yet, considering the distance of Toulouse from England, the liberty of paying this sum, instead of going thither, was a very great ease to the military tenants.

See note on
the value of
money.

It was, I presume, with the advice and consent of the parliament, which Henry held at Worcester before he set out on this enterprize, that he made this alteration in the terms of knight-service, which was continued for many centuries after his reign. He never neglected to consult with that assembly on proper occasions, and this was most proper: nor can we reasonably suppose that he would strain his prerogative, to introduce such a novelty without their concurrence, when he might be certain to obtain it with a general satisfaction. It may be therefore presumed that a parliamentary sanction was given, in the abovementioned council, to this new method of commuting for the duty of foreign service, and to the payment of such a commutation for this particular war: but it seems that the assessment was then left to the king: whereas we find it declared, by the charter of King John, that scutages ought to be assessed by the tenants in chief of the crown assembled in parliament. The reason of this alteration was, I suppose, the oppressions, which, under the government of that prince and of Richard the First, their tenants had suffered by arbitrary assessments. But those made by this king are referred to in the charters of Henry the Third, as the best rule to be followed.

During

Hoveden,
pars ii. sub
ann 1159.
Chro. Norm.
p. 996.

During the course of the war with the earl of Toulouse, as Henry returned out of Languedoc into Normandy, William de Blois, who with the other barons of his realm, had served him in that enterprize, fell sick and died. The only one of the late king's legitimate offspring, that now remained alive, was his daughter Mary, a nun, and abbess of Rumsey in Hampshire. It seemed to be the interest of Henry to let her continue in this state, that the lawful posterity of Stephen might be wholly extinct; which would more absolutely secure the house of Plantagenet against the possibility of any dispute, in times to come, concerning their right to the crown: but views of present advantage inclined him to overlook this consideration. Of all the potentates on the continent, except the king of France, there was none who could benefit or hurt him so much, as his uncle, the earl of Flanders. He had discharged with great fidelity the trust reposed in him, as guardian of Flanders, and of Philip, the earl's eldest son, during the time that the earl remained in the East. This was unquestionably a most endearing obligation conferred on those princes: yet he wished to oblige them still more, by extending his favours to Philip's younger brother, who wanted an establishment greater than the appanage his father could give him. Nothing appeared so proper for him as the earldom of Boulogne, which lying contiguous to his father's dominions, and being very considerable in it's commerce and maritime power, would add not a little to the strength of the family, as well as advance his own fortune. This province indeed was a fief of the earldom of Flanders; but the earl could not give it in any other manner than according to the established rule of succession; and his son had no title to it, unless he gained one by a marriage with the daughter of Stephen. The lady herself was desirous of quitting the veil, either having taken it

against

against her will, or finding by experience that vows of celibacy are kept with more difficulty than they are made. The ecclesiastical laws opposed her inclinations: but princes might, on some occasions, dispense with those laws; and the death of her brother without issue had so essentially altered her circumstances, from what they had been at the time when she engaged in a monastick life, that she might now, with good reason, and no appearance of levity, retract that engagement. The papal power could release her, and to that she would certainly have applied for relief; but Pope Adrian having died a little before the decease of her brother, in the year eleven hundred and fifty nine, a double election had caused a schism, which was yet undecided. It was by no means adviseable to wait till the end of it; for some prince of the house of Blois would before that time have made good his claim to the earldom. This Henry feared, and moreover he was glad of such an opportunity to serve the two families of Flanders and of Blois. He therefore consented that the lady should be stolen from her convent, and conveyed out of England; which was accordingly done, and the marriage was consummated in the month of May of the year eleven hundred and sixty. Becket opposed it, on account of the scandal and offence to religion; in which instance, and in that alone, he appears to have acted upon the same principles, while he was chancellour, as he afterwards did, when archbishop of Canterbury. But his opposition was fruitless: for though he was first in Henry's favour, the mind of that king was too great and royal, to let his judgment be subjected to the authority of a servant. Nor did he see any reason for his being more scrupulous in such an affair than his uncle the earl of Flanders, who certainly did not oppose, but, in all probability, desired and solicited this match for his son,

Diceto, sub
ann. 1159.

Mem, sub
ann. 1160.
Cane Norm.
p. 297.
Il. m. 1160 in
Quadri. 2.
St. Thomas
Becket.

though he was renowned for his piety above any prince of that age.

Chro. Norm.
p. 929. sub
ann. 1163.

In consequence of the decease of William of Blois, Henry had also the means of making an ample provision for Hamelin, his natural brother, by marrying him to the widow of that prince, who was daughter to William of Warren. She brought to her second husband the earldom of Surrey, with all the other honours and possessions of her father in England and Normandy: possessions so great, that, without alarming the jealousy of the crown, they could not have been added to the wealth of any other noble family; especially, as the lady to whom they had descended, was very nearly allied in blood to the kings of France and of Scotland. It was therefore, not only from affection to his brother, but from the maxims of good policy and reason of state, that Henry interested himself in this match.

He had but just accommodated his quarrel with Louis about Toulouse, when the attention of both of them was called to a business, which divided the whole Latin church, the double election of the cardinals Octavian and Orlando to the Roman pontificate. A great majority of the sacred college had voted for Orlando, who took the name of Alexander the Third; but yet his election was liable to many objections. Octavian, who called himself Victor the Fourth, had the protection of the emperor Frederick the First, surnamed Barbarossa. For what reasons he had it we are told in a letter from the bishop of Bamberg to the archbishop of Saltzburg. "It appeared (says the former prelate) that, before the election, Orlando himself, and the cardinals of his party, had conspired with the king of Sicily and other enemies of the empire; having even bound themselves with an oath, which seemed very repugnant to the sound Christian doctrine, inasmuch as it absolved the subjects of the emperor from

V. Radevic.
de reb. gestis
Frederic. I.
Imperat. l. ii.
p. 318 ad
323. & 328
ad 335.
Act. Alexan.
apud Baron.

V. Radev. ut
supra, l. ii.
c. 71.
Idem ibidem
c. 52.

from their oaths of fidelity, and forbad all persons to pay him any obedience." We find, by another letter, written about the same time, that they took this oath in the presence of Adrian the Fourth, a little before his decease, and also swore, that, whenever the see should become vacant, they would not elect any pope, except one of their party, and who should be under the same engagements. Well, therefore, might Frederick incline to dispute the election of Orlando, and favour his adversary; especially as the latter had been always of the imperial faction. Many emperors of Germany, his predecessors, had not only exercised a right of confirming, but even of electing, or nominating, the bishops of Rome. In the year of our Lord nine hundred and sixty three, Otho the First obliged the Roman people and Pope Leo the Eighth to yield to him that privilege, which was constantly maintained by his son and his grandson, though not without occasioning many tumults and seditions. After the death of the latter the imperial authority diminished in Rome, and the people resumed the election of the popes together with the clergy, till, most intolerable disorders and scandals arising from the ill use they were found to make of their power, the emperor Henry the Third, surnamed the Black, took it from them again, and nominated successively four popes, who were Germans. But, during the minority of his son, Henry the Fourth, Nicholas the Second, encroaching on the prerogative of that prince, made a new constitution, whereby the cardinal bishops were first to consult about the election of a pope, then to call in the cardinal priests, and, thirdly, the inferior clergy and the people of Rome for their consent, *saving the honour and reverence due to the emperor*. These last words preserved indeed to the emperor the right of confirmation; though not so explicitly as he might have desired: but Alexander the Second having been

V. Luitprand
c. 2.

Platina in
vit. Benedic.
IX. et Greg.
VI. Otho
Frising. l. vi.
ad ann. p.
143.
Onuphrius
in chronico.
Dist. 23. C.
in Nem.
Father Paul
of beneficiary
matters, c.
23.

chosen according to this constitution, Henry, in order to signify his resentment thereof, refused to confirm that election, and named to the papacy the bishop of Parma, upon the recommendation of Gerard his chancellor. Nevertheless on the death of that minister, about three years afterwards, he consented to depose the bishop of Parma and acknowledge Pope Alexander, who made him a most ungrateful return for that favour. But Gregory the Seventh, succeeding to the papacy after the decease of that pontiff, not only attempted to take from the emperors all share whatsoever in the elections of popes, but in those of all other clergymen; judging that he should better be able to support the claim of his see, by making it the general cause of the church. This contest continued during more than half a century, under six pontiffs, who maintained it, not only with their spiritual weapons, but by exciting the most horrid rebellions and treasons, and arming the son against the father, as well as the subject against the sovereign. Nor were the emperors easily vanquished in a quarrel of such importance. Near fourscore battles were fought, in defence of their authority, by Henry the Fourth and Henry the Fifth, before the agreement of the latter with Pope Calixtus the Second, in the year eleven hundred and twenty two: and even that was made with such temperaments, as preserved to him some of his ancient prerogatives in all elections of bishops, except those of the popes; but from them he and his successors were after this time entirely excluded. And, in consequence of a quarrel between Innocent the Second and the people of Rome, that pontiff deprived these also of the right of election.

The emperor Frederick Barbarossa, one of the greatest and bravest that ever had ascended the imperial throne, was now struggling to assert so much of the power his predecessors had lost, as, in the extraordinary

See Father Paul of beneficiary matters, c. 23, 24.

A. Abb. Ufpergenf. in Ch on. sub ann. 1122. Father Paul, c. 24. Onuphr. Annot. ad vit. Innocent.

traordinary case of a double election, to give the preference to that cardinal who was of his party, against one who was openly leagued with his enemies. He did not pretend any right to determine this cause by his own single authority, knowing that the times would not bear it; but called a general council at Pavia, to which he invited the bishops, not only of Germany and of Italy, but of all Europe, and cited to it both popes, with the cardinals of each party. Victor obeyed, but Alexander refused; denying that the emperor had power to call a council without his consent, or to summon him to appear in his presence, as if he had any authority over him. "Christ (he said) had given to St. Peter and his successors the privilege of judging all causes wherein the church was concerned; which right the see of Rome had always preserved, and had never submitted to any other judgment." This was not only begging the question in dispute, that he was the rightful successor of St. Peter, but arrogating to his see such prerogatives, as all history contradicted no less than the gospel, and such as had never been acknowledged by any emperor. Besides, it was evident, that, if these pretensions were admitted, it would be impossible to end a schism between two popes; since each might equally plead this privilege of exemption from all other judgment, and would be sure to pass sentence in favour of himself. But as Victor came, and submitted his cause to the council, it gave a reasonable prejudice in his behalf: his adversary was censured as guilty of contumacy; and, after a proper examination of witnesses, he was declared to have been duly elected. Frederick took care to prevent any objection against this decision, on account of it's being made by the secular power; for he confined the examination and judgment of the cause to the ecclesiasticks alone.

Radev. ut
sup. c. 54,
c. 5, 56, 71.
Act. Alexan.
apud Baron.

V. Radevic.
c. 84, 55,
56, 71
Act. Alexan.
apud Baron.

There were present in the council about fifty bishops, besides a great number of abbots and other dignified clergymen; but all Italians, or subjects of the empire. The kings of Bohemia and Denmark, with almost all the princes of the empire, attended in person, and subscribed to the determination in favour of Victor. The king of Hungary declared his assent to it by his ambassadors. The kings of France and of England had also ministers in the council: but the former of these refused to engage himself any further, than not to acknowledge either Alexander, or Victor, as pope, till he should receive a fuller information of the merits of the cause by ambassadors from the emperor; and the latter declared, that in this, and all other affairs, his conduct should be conformable to that of the king of France. Louis, before the council was assembled, had paid him the same compliment with regard to this question: and indeed it was for their mutual interest not to disagree on such a point; as their difference would have produced a schism in France, which must have been very troublesome and hurtful to both. The French monarch was strongly urged to determine for Alexander, by all the power that his queen, who was zealous for that pontif, had over his mind, and by the persuasions of much the major part of his clergy, whose inclinations he was always disposed rather to follow than lead. A jealousy of encreasing the greatness of the emperor, by giving him a pope devoted to his interests, might have also some share in prejudicing the judgement of this prince and his subjects against any evidence on the side of Victor. But the young earl of Champagne, who had much credit with him, and was related to Victor, kept him, some time, in suspense. Henry had received very early impressions in favour of Alexander, from the bishop of Lisieux, a man of excellent parts, and one whose counsels he chiefly listened

Alexan epist.
17. apud Duchêne, t. iv.

V. Arnoulph.
epist. ad Alex.

listened to, in ecclesiastical matters. Nevertheless the regard he owed to the emperour, his friend and ally, made him desirous to proceed with great reserve, and a decent shew of deliberation, in this affair. Nor would he act therein without the entire concurrence of Louis, whose irresolution continued several months. During this interval the archbishop of Canterbury, pressed him most vehemently to acknowledge Pope Alexander, by several letters, which, being sick at that time, he wrote by the hand of John of Salisbury, his secretary, who afterwards became very busy and factious in all the ecclesiastical affairs of this reign. But no solicitations, or importunities, even from his best friends, could drive the king to precipitate his measures, in a matter of this delicate nature. He prudently restrained the zeal of that prelate till he had conferred with the chancellor of the empire, who, immediately after the dissolution of the council of Pavia, in the month of February of this year eleven hundred and sixty, had been sent to him and the king of France, to acquaint them with the reasons upon which that council had acted in acknowledging Victor, and endeavour to obtain their concurrence. The ambassador came, and was patiently heard by both kings, but prevailed upon neither. As soon as Henry had concluded the peace with Louis, he sounded his inclinations with regard to this question, and helped to fix them in behalf of Alexander. I shall hereafter give some reasons why he ought rather to have assisted the earl of Champagne in serving Victor. But being drawn in by the torrent, which run very strong the other way, both in England and his French dominions, he used his utmost endeavours to induce the king of France to make the same choice; of which he had soon afterwards great cause to repent.

V. Joan Salisbury epist. 44.
48. 63.

Chron. Nor.
997.

V. Petri Ble-sensis epist. ad Celest. III. Papam, 144.

It was privately agreed between the two kings, that, as a foundation for them to proceed upon, in deciding this dispute, each should separately take the sense of the clergy within his own territories: and a council was accordingly held by Louis at Beauvais; Henry at the same time holding one at his town of Neufmarché in Normandy, by both which assemblies Alexander's election was supposed to be good. The sentiments of the Gallican church having been thus declared for that pontif, Henry empowered the archbishop of Canterbury to call a council in England, and send him their opinion on the merits of the question. Theobald obeyed very joyfully; and, though we are told, that some of the English clergy, particularly the bishops of Durham and Winchester, inclined to Victor, yet they thought it adviseable to concur with their brethren in favouring Alexander, the king's disposition to give him the preference being well understood. The words of the primate, in his letter to Henry on this occasion, are remarkable. He says that the "council had not *passed any judgment* upon the "matter proposed to them, nor had they *decreed* "any thing about it in prejudice to the majesty of "the crown; *as it would have been contrary to their* "duty to do so: but they had lawfully and dutifully "given that *advice* which he had required of them "by his royal mandate." From hence it may be inferred, that, in the commission which the king had sent to this prelate, care had been taken to secure his royal prerogative against any encroachment on the part of the clergy, though he graciously condescended to ask their advice: and, considering the pretensions of the church in that age, an archbishop of Canterbury's acknowledging this right of the crown, in terms so explicit and so full of respect, was a great instance of moderation.

But though the kings of France and England, by these national synods, had enabled themselves to
alledge

V. Joan. Sar-
ritib. epist. 44.
59.
Ejusdem ep-
ist. 64, 65.

V. epist. 64.

alledge the sense of their clergy, in answer to the emperor's solicitations in favour of Victor, they thought it expedient, before they would finally and absolutely declare their own resolutions, to hear what the legates, sent by both the competitors, who were ordered to attend them in a more solemn and more general council, which was to assemble at Toulouse, could say on the subject. The legates arrived there in November this year; but, from several incidents intervening, the council was not held till some time in the autumn of the following year, eleven hundred and sixty one. Louis and Henry, with the ambassadors of the emperor and of all the Spanish kings, were then present in it, before whom the cause was debated by the legates on either side; and the cardinal of Pavia, deputed by Alexander, pleaded for him so well, that the council unanimously confirmed his election. It must, however, be confessed, that this cardinal's eloquence was heard with as favourable ears by his audience, as the harangue of Victor had been by the council of Pavia; and all these grave deliberations really meant nothing more, than to furnish the princes who were at the head of each party with a plausible appearance of being convinced of what they were before determined to believe. The emperor, with the whole empire, and all the northern kings, continued unmoved in their attachment to Victor, for whom they procured a decree of another general council, assembled at Lodi in opposition to this of Toulouse. And both these meetings concluded with thundering out sentences of excommunication against the pope of the other faction and all his adherents. Nothing can exceed the rancour and bitterness, which appears in many of the letters written during those times, by clergymen and monks of either party, against their opponents; and they were but too powerful to inspire the same passions into the laity, whose consciences they directed with

I abbeus, t. x.
council. p.
1406.
Neubrigent.
l. ii. c. 9.
Pere Daniel
hist de Fran.
p. 407.
Duchefne
epist. 431.
t. iv.

V. Othon.
Merena in
chronico.

an absolute dominion. This schism was followed by a long war in Italy, between the emperor and the adherents of Alexander there, which I shall have occasion to say more of hereafter.

While Louis and Henry were thus busied in chusing a pope, there had happened other events of great importance, which entirely altered the state of their civil affairs. About the end of September in the year eleven hundred and sixty, the queen of France died in child-bed of a second daughter, who, surviving her mother, was named Adelaïs. The lords of the council, much desiring a male heir to the crown, exhorted the king to marry again without delay. He made so much haste to comply with their advice and his own inclinations, that, disregarding all decency, in less than a fortnight after the death of his wife, he married a sister of the earl of Champagne. That prince and his brothers, the earls of Biois and Sancerre, were, by means of this alliance, advanced to greater power in the kingdom of France; and as Henry was assured that they were very malevolent to him, though one of them had occasionally confederated with him in the war of Toulouse, it alarmed him to see them brought so near to the throne. Indeed the death of Constantia was in many respects unfortunate for him. He had always found her a warm and useful friend. The new queen might be an enemy; and, from his knowledge of Louis, he might naturally fear, that a change in the bed of that monarch would be followed by a change in his council. These considerations affected him with no little uneasiness. The peace concluded in May had not been ratified till October, a few days before this marriage was celebrated. On that occasion the prince of England did homage to the king of France for the dutchy of Normandy; which seems to imply that a cession had been actually made, or at least an intention declared by Henry at this time, and

and confirmed by this act, of resigning to him those territories when he should be of full age. Probably, Louis, whose daughter he was to marry, might desire this cession; as the heir to the crown of England had not in those days any principality, dukedom, or other royal appenage, assigned to him in that kingdom. And perhaps some dispute upon this matter was the cause, that the ratification of the peace had so long been delayed, though we do not find any mention thereof in the treaty. However this may have been, it looked unfavourable to the concord, restored at this meeting, that Henry departed from thence, without seeing the celebration of the king's nuptials; a ceremony, which he would undoubtedly have graced with his presence, if his dislike of the match had not got the better of his usual complaisance, and made him shew the court of France a little too plainly, that he could not forget the dead queen so soon as her husband.

Upon his return into Normandy, he judged it adviseable to take such measures, as might secure him against the consequences of that alteration in the dispositions of Louis, which he prudently foresaw from this alliance. To put his son's marriage with the eldest princess of France beyond all dispute was his first care. A mere verbal contract might possibly be revoked, and the lady demanded back from Robert de Neubourg, justiciary of Normandy, who had the custody of her, if those who governed her father should make him wish to dispose of her in a different manner. Henry thought it expedient to guard against this danger, and bind the engagement more indissolubly by the most solemn sanction: as, besides the hope of future benefits which might arise from this match, he was very desirous, at this juncture, to get the Norman Vexin, with the important castle of Gisors, and those of Neufle and Neuchâtel, into his own hands. By the treaty of peace, which he had concluded with

See the
treaty in the
Appendix.

Diceto Imag.
hisor. sub
ann. 1160.
Chron.
Norm. p
997.
Neubrig l.ii.
c. 24.

with Louis the year before, he was authoris'd to take possession of these, if, before the term of three years assign'd by that treaty for their being deliver'd up to him, his son should *espouse* the princess *with the consent of the church*. He therefore applied to the cardinals of Pisa and Pavia, legates from Alexander, who now were with him in Normandy, and prevail'd upon them to celebrate the form of a marriage, or publick and solemn espousals, between Prince Henry his son, not yet six years old, and Margaret of France who was still a younger infant. This ceremony being performed, he demanded the castles; which were immediately surrendered to him, by the knights templars, into whose custody they had been committed. Nor could they withhold them, against the express conditions of the treaty between the two princes. At the time when Louis gave his consent to that treaty, he was, in all probability, desirous to accelerate the espousals of his daughter with Henry's son, and thought the immaturity of their age no objection: but the death of her mother and his new marriage having changed his opinion, he was so unreasonable as to complain of Henry's proceedings, in acting agreeably to their late convention.

V. Gul.
Neubrig. l.
ii. c. 24.
Hoveden
ann. pars
post. f. 282.

See the
treaty in the
Appendix.

If we may believe some ancient writers, he accus'd that monarch of fraud, and the knights templars of breach of trust, and even drove the latter out of his kingdom, for having delivered the castles to Henry upon this *shadow of a marriage*. But it is evident that this anger had no foundation. For the words of the treaty, too clear to admit of any doubt, gave Henry a right to take possession of the castles, and of the whole Norman Vexin, for the use of his son, at any time after the signing thereof, when the latter should have *espoused* the daughter of Louis, *with the consent of the church*. The legates of the pope had given that *consent*: the knights templars were present themselves at the ceremony: their

their trust was to determine as soon as this was performed ; and their honour was engaged to surrender to Henry what then belonged to him, as much as any other part of his territories in France. Nor can the reproach of a dishonourable and fraudulent practise, in this transaction, be reasonably laid on that king. Prudence required him to secure to his son a desirable match and the advantages that attended it, in such manner as he was impowered, and even invited, to do it, by Louis himself, not long before. But though the French monarch had not, in reality, any cause for resentment on account of this act, the contemporary authors assign no other for his taking up arms against Henry the following year. He was, doubtless, incited to it, not by any good arguments, but by the influence which his bride, and the unanimous counsels of her brothers, had over his mind at this time. While, by their instigations, he was preparing for the war he intended to make at the return of the spring, those three princes, having drawn their forces together, began to fortify Chaumont, a castle in the county of Blois, bordering upon Touraine ; from whence they proposed to infest the last-mentioned province, as soon as the king, their master, should take the field. But Henry, to whom the intention of their work was no secret, put himself instantly at the head of a body of troops, which he had kept up to be ready on any emergency, and marched to prevent them from executing their purpose. Before he came to Chaumont, the earls of Champagne and Sancerre had returned home with their forces, leaving their brother, the earl of Blois, to compleat the fortifications : but he also, upon intelligence of Henry's approach, which he did not expect, thought it prudent to retire. That king, whose celerity in his military operations made him always successful, found the works so unfinished, and the garrison of the castle so unable to defend it, that it was yielded

Chron. Norm.
P. 997

ed to him without the trouble of a siege : and immediately given up to one of his vassals, named Hugh d'Amboise, who claimed it, as a fief that belonged to his family, and who bore a mortal hatred against the earl of Blois, because that prince had occasioned the death of his father by an unjust and severe imprisonment. Then, having added some new defences to the castles of Frettevalle and Amboise, Henry returned into Normandy, and put that whole duchy into a state of security, by repairing and encreasing the fortifications of almost all his castles, but particularly of Gisors, and building a new fortress upon the banks of the Eure. He also garrisoned those of some noblemen, whose fidelity he suspected, with his own troops ; as he had a right to do by the customs and laws of France.

But though his principal care was to provide for the safety of his territories on that continent, in case of a war, he did not neglect the works of peace. Even while he was erecting these fortifications, he built a royal palace in the neighbourhood of Rouen, and an hospital for lepers near Caen, which the Norman chronicle styles a *wonderful building*, on account, I suppose, of the beauty of it's architecture, or it's spacious extent. The leprosy raged, at this time, very violently, in most parts of Europe, being imported from Palestine by the pilgrimages made thither, or from Syria and Ægypt by the crusades ; and such edifices were necessary to receive the infected, who were cut off from society with all other men. No charity therefore could better become a king than this, which gave all the comfort their condition would admit to the most unhappy of his subjects, and secured the rest from the contagion of so loathsome a distemper. Henry was also a benefactor to some religious houses, both in France and in England ; for which he deserves the honour due to pious intentions.

Soon

Soon after Easter, in the year eleven hundred and sixty-one, Louis attempted to attack the Norman Vexin : but Henry had so strengthened every part of that district, that his enemy found it impracticable to make any siege, and soon retired to the frontier of his own country. The king of England pursued him ; and the two armies being often in sight of each other, a battle was daily expected. But the reputation of Henry's arms made Louis unwilling to run that hazard ; nor, when that monarch avoided, did Henry seek it, having more to lose, if he should be defeated, than to gain by a victory. He had done enough to prevent the imputation of fear being cast on his prudence ; and it was agreeable to every principle that governed his conduct, to make up a quarrel with the sovereign of his foreign dominions, as soon as he could with honour. He therefore was not displeased that good offices of mediation were employed by some common friends to both parties ; in consequence of which, about midsummer, a truce was agreed upon between him and Louis. The first use that he made of it was to go and suppress a rebellion in Aquitaine, which had broken out during the war on the borders of Normandy, on a supposition that his arms would have been longer detained in those parts of the kingdom. But that hope was now frustrated : in less than two months he vanquished all the rebels, and recovered whatever he had lost in those provinces, either by treason, or force ; particularly the fortress of Chastillon above Agen, upon the river Garonne, which, though nature and art had concurred to render it strong, he took in five or six days, to the great astonishment and terror of the Gascons.

Chron.
Norm. p.
997, 998.

Chro. Norm.
p. 998.

The science of engineering must certainly have been possessed by this prince, or by those employed under him, in a high degree of perfection ; as we find

find he hardly ever besieged any place without reducing it sooner than his enemies had expected.

All being subdued and quiet in Aquitaine, he performed nothing more of any importance this year, except presiding together with Louis at the council of Toulouse, an account of which has been given. Their meeting in that city may be regarded as a proof, that no great animosity continued between them, or between the king of England and the earl of Toulouse.

In the spring of the year eleven hundred and sixty two, Pope Alexander landed on the coast of Provence. He had been driven out of Rome by the faction of Victor, and had taken refuge in Campania, under the protection of William king of Sicily: but, all the roads to that province being infested by the soldiers of the opposite party, his friends and adherents could have no access to him; which made him resolve to depart from thence, and go into France, where he might act as supreme pontif without molestation. Indeed that kingdom had been long the ordinary refuge of popes in distress; the policy of the French nation inclining their princes to abet all the enemies of the imperial power. As the passage was not safe for Alexander by land, he went by sea, and, touching at Genoa and some other places, arrived at Montpellier, where he proposed to reside, soon after Easter. But a great change had been made in the dispositions of Louis with relation to him, by the arts of the queen of France and the earl of Champagne. Being related to Victor, and friends to the emperour, they were desirous, if possible, to draw the king off from the part he had taken with Alexander; and they so far prevailed, that he was persuaded to receive an agent from Victor, with an epistle, in which that pontif, on the encouragement they had given, ventured to express very confident hopes of his favour. This letter is dated in February; and
before

A. A. A. e. an.

ap. Baron.
sub ann.

1162.

Pagi T. iv.
sub eodem
anno.

Hugo Pictav.
ap. Duchesne
T. iv. p.

414. & seq.
Epist. Fred.

Imperatoris
50, 52, 53,

54.

ap. Duchesne
T. iv.

Epist. Victo-
ris ad Lud. iv.

59. ibidem.

before Easter Louis sent the earl of Champagne his ambassador extraordinary to the imperial court, upon a proposal made to him, from the emperor Frederick, by the mouth of this earl, that, in order to restore the peace of the church, they should hold another council in the town of Avignon; where, after impartially rehearing the cause, both popes being present, they should either agree to acknowledge one of them, and thereby end the schism, or depose them both, and elect another. I do not believe that, in making this offer to Louis, the emperor really intended to give up, or bring in question, the election of Victor: but it was a lure by which he tried to induce the king of France to call a new council; hoping that Alexander would refuse to appear before this assembly, with the same contumacy, as he had before rejected the citation to the council of Pavia; and that Louis would thereupon be irritated against him, and more favourably disposed to listen to the arguments in favour of Victor. The scheme was well laid and very skilfully managed by the earl of Champagne. He represented so pathetically, and with such an air of pious zeal, the manifold evils which attended this schism, and how meritorious it would be to restore peace and union to the catholick church, that, with the help of his sister, whose charms very powerfully aided his eloquence, he obtained from Louis a commission to go to the emperor and treat on this matter. Alexander, at his landing, received intelligence from his friends of these transactions, and heard that the earl was set out on his embassy. His surprize and indignation at so sudden a change, which was likely to prove of such ill consequence to him, were equally strong. After the councils of Beauvais and Toulouse, he had never entertained the least apprehensions, that his right to the papacy would again be controverted in France, or that he should be in danger of finding an enemy where he

V. auctores
citat ut sup.
et epistolas.

expected a protector. While he was full of uneasiness and disgust, two ecclesiasticks, of whom the highest in dignity was only an abbot, were sent from Louis, to compliment him, in the name of that prince, upon his arrival in France. He received them very coldly: at which the king was so offended, that, in the heat of his anger, he immediately dispatched the bishop of Orleans, to carry a letter to the earl of Champagne, in which he said, that he repented his having unadvisedly acknowledged Pope Alexander and rejected Victor. He likewise impowered that minister to consent in his name to call a new council, as Frederick had proposed, and gave him entire liberty to settle all points relating thereto, with a general assurance of standing to every thing that he should advise. Nothing could be more welcome to the earl than this letter. Having such ample discretionary powers, and so convincing a proof, under the hand of the king, of his beginning to incline to the party of Victor, he soon agreed with the emperour, who then was at Pavia, that he and Louis should meet on the borders of Burgundy, at the town of St. Jean de Laone, between Dijon and Dole, as more convenient to both than Avignon, and should bring with them to that meeting the princes, the nobles, and chief ecclesiasticks of the empire and France, to re-examine the merits of the cause between Alexander and Victor, who should both be present there and plead for themselves. This assembly was to be held on the banks of the Saone, near the abovementioned town, in the year eleven hundred and fifty two. A certain number of the most approved knights and ecclesiasticks were to be chosen out of both parties, to judge of the election; and, if they gave sentence in favour of Alexander, the emperour promised to throw himself at his feet; but, if in favour of Victor, the French monarch was bound, by the promise of his minister, to pay the

the same mark of veneration to him. And, in case of a refusal from the king to stand to that promise, the earl of Champagne pledged himself, by an oath to the emperour, that he would transfer his feudal homage from Louis to him, and hold of him all the fiefs which he then held of that prince. This kind of guarrantee was very frequently given, by the feudatories of those days, to the treaties of sovereigns. But it is observable, that, in this agreement, there was no mention made of deposing both the popes and electing a third, which undoubtedly had been thrown out with no other intention than to induce the king of France to hold the council. The earl now assured himself, that, as the inclinations of that prince were averted from Alexander, he should easily, by his influence over most of the knights, who were to be associated in the judgment of this cause with the ecclesiasticks, procure a sentence for Victor. And in some letters which the emperour wrote on this subject he express a great confidence, that this council would end in the reception of Victor: nay, in one he affirmed, that Louis had, by his minister, engaged to receive him. There is also an epistle from that pontif himself, dated the eighth of the kalends of July, by which it appears, that two agents were sent by him to Louis, in the character of nuncios or legates, about this time. Alexander had therefore more reason to be alarmed than ever before, and found it necessary to use his utmost endeayours to sooth that king, and regain his favour. He had still in the French court some powerful friends, particularly one of the brothers of Louis, who had lately been translated from the bishoprick of Beauvais to the metropolitan see of Rheims: yet he could not prevail, by any mediation, to hinder Louis from keeping the promise he had made to a prince of such dignity and power as the emperour, who, he knew, would not bear to be trifled with in a manner injurious to his honour.

V. Epistol.
c3, 54, ut
supra.

V. Epist. 50.

V. Epist. 55.

V. Hugon.
 Picaven.
 apud Du-
 cheine; et
 Ad Alexan.
 ap. Baronium
 ut supra
 V. etiam
 Paris ut fu-
 era.

He therefore set out, to go to the place appointed for their meeting. Alexander who had removed in June from Montpellier to Clermont in Auvergne, went to meet him on his road, at the priory of Souvigny, in the province of Bourbon. There they conferred, and Louis vehemently pressed him to go to the council. He pleaded apprehensions of danger to his person from the power of the emperor: nor would he be satisfied with any securities offered by the king; who, at last growing angry, said it was very surprising, that one who was conscious of the justice of his cause should avoid to be present at hearing the testimonies of his own innocence. Nevertheless Alexander continued inflexible, "because" (says Baronius) it seemed an indignity, and contrary to the decrees of the fathers of the church, "that the most holy pontif, and the supreme see, should submit to be judged by any human authority."

The earl of Champagne had foreseen, and counted upon this, in the plan which he had formed for the service of Victor. After a conference of two days, Alexander would yield to nothing more, than to send some of his cardinals with Louis to the council, not to plead his cause, but only to declare his unquestionable right in the face of the world. There was much dignity in this conduct: but he run a great risk, and might have been ruined by it, if fortune and the king of England had not been his friends. The latter was used very ill by the king of France in this business. He had agreed with that prince in acknowledging Alexander; whose right had been solemnly judged, and unanimously approved of, in a council held by them both: nor does it appear that the design of rejudging it now, before another council, had been either concerted with Henry, or communicated to him, except by a general notice, given to all the vassals;

vassals of France, that such a council was summoned. For these reasons he neither intended to go himself thither, nor did he send to it any of his barons or bishops. Alexander knew this, and it greatly encouraged him not to comply with the desire of Louis. When that king arrived at Dijor, the earl of Champagne met him there, and informed him distinctly of what was stipulated in the treaty with the emperor. He expressed great resentment at the earl's having engaged him so far to that prince, denying that he had given him any authority for it. The earl appealed to the bishop of Orleans, who not daring to make a positive answer, he then produced to Louis his own letter. Against the strength of this evidence the king, it seems, had nothing to reply: but, being distressed by the obstinacy of Alexander, and yet unwilling to renounce him, (for the discourses of that pontif had made no little impression upon him) he would have been glad to free himself by disavowing his minister. This necessarily occasioned a good deal of heat and ill temper on either side, which turned very much to Alexander's advantage: for, in proportion as Louis was displeased with the earl, he grew more averse to Victor. When the day which had been fixed for the conference came, the emperor and that pontif appeared upon the bridge of St. Jean de Laone, which was the boundary that separated the Imperial from the French dominions; but finding neither Louis nor Alexander there, and understanding that the latter had resolved not to come, they presently returned to the emperor's camp, with bitter complaints that the king had broken his faith. After their departure Louis came, and proposed to some deputies, left to confer with him, a prolongation of the time assigned in the convention for holding the council; because the terms of the agreement made in his name had not been properly explained to him till the preceding

v. auctores
citat. ut sup.

day ; and it would be indecent to conclude so hastily an affair of such moment. The deputies had no power to grant this prolongation ; but, the next morning, in the palace of the duke of Burgundy, where he lodged, the earl of Champagne declared to him, that, as the covenant made with the emperor had not been fulfilled, he thought himself bound, by the oath which he had taken, to transfer his homage, and all the fiefs he held in France, to that prince : but, he had obtained from his Imperial Majesty a delay of three weeks on these conditions, that the king should engage, and give hostages to the emperor, that he would come on the day appointed and bring with him Alexander ; and moreover, that he would hear the cause of both parties, and acquiesce in the judgment of those good men of the Empire and of France, to whom the decision of it should be referred, or else deliver himself up at Besançon a prisoner to the emperor.

These were hard terms : but Louis was not in circumstances to refuse or dispute them. For, besides the damage he would have brought on himself and his kingdom, by losing the homage and feudal territories of the earl of Champagne, he was afraid that the emperor should declare war against him, and break into Burgundy, by a sudden attack, which he was very ill able at that time to resist. For he had brought with him many bishops, but few barons or knights : whereas, all the nobility of the empire had attended the emperor's summons, and, under the name of a council, composed in reality a most formidable army. The king therefore was constrained to yield to all the conditions which Frederick had prescribed, and gave for his hostages the duke of Burgundy, the earl of Flanders, and the earl of Nevers. He now seemed necessitated, either to concur with the council in acknowledging Victor, if they should decide for
that

that pontif, which appeared hardly doubtful, or expose his realm to such calamities as might even intimidate the zeal of a bigot. But, before the time came for his meeting the emperor, and holding the council, a letter from Alexander revived his spirits. That pontif, whom he had informed of the treaty he had made, and the obligation he was under of bringing him to the council at the end of three weeks, immediately applied to the archbishop of York and the two Norman bishops of Lisieux and Evreux, whom Henry had sent to attend him, and besought them to employ all their credit with that prince, in his behalf, at this crisis. No peace being yet made, and the behaviour of Louis having been for some months very unfriendly towards him, Henry had not disbanded his army. Alexander implored him to advance with that army, as fast as he could, towards Dijon, and by a timely assistance deliver his liege lord, and the pope he had acknowledged, from being oppressed by the force of the emperor. Instead of listening to the voice of resentment, which might have persuaded him to leave the king of France under the difficulties he had brought on himself, by acting separately from him and against his opinion, he gladly embraced the occasion of serving that monarch and recovering his affection, while, at the same time, he laid the highest obligation imaginable upon Alexander, whose cause he had espoused. Accordingly he marched with the utmost expedition, taking his road through Berry, where Alexander then resided. When he was come within the distance of two or three days from Dijon, he sent forwards some of his servants, to notify his approach, and desired that pontif to dispatch them to Louis, with the strongest assurances of his readiness to expose himself to all dangers, for the honour and service of that monarch. Alexander immediately sent them to Dijon, with a letter to Louis

V. Ducheſn.
tom. iv,
epiſt. 50.

V. Epist. 50.
ut supra.

V. auctores
citāt. ut sup.

V. Aët. Alex.
ap. Baroni.

V. Hug.
Pictav. apud
Duchefne.

exhorting him to receive them as their message deserved, to thank their master for so seasonable and so affectionate an offer, and, without delay, to accept it. They found him disposed to follow this advice with most entire satisfaction. The harsh and offensive usage he had received from the emperor made him consider that prince as an enemy, who meant injuriously to obtrude a false pope upon him, by force of arms. He therefore pressed the king of England, who alone could preserve him from the terror of that force, to hasten to his succour. While this negotiation was on foot, there began to be a famine in the emperor's camp; the country about it not furnishing provisions sufficient for such a number of persons during so long a time, and no magazines having been formed to supply them, as he did not expect that the business, upon which he brought them thither, would have been so delayed. This, together with the intelligence of Henry's approach, made him take a resolution to return into Germany without meeting the king of France or holding the council. We are told that, in order to vindicate his intended departure, he sent his chancellor, the archbishop of Cologne, to say from him to Louis, that it belonged to no prelates, but those of the holy Roman empire, to judge of the election of a bishop of Rome; and consequently the king and clergy of France had only a right to be present and hear their decision. Or (as another contemporary author relates it) the archbishop denied, that the emperor had ever obliged himself to admit any partners, in judging a cause which concerned the church of Rome; that see being wholly under his own jurisdiction. But whatever claim, either the emperor, or the prelates of the empire, might have to an exclusive authority in this matter, Frederick himself had given it up, by proposing this council. For he and the empire had before decided the question in favour of Victor;

tor; nor was there any occasion to desire the king and prelates of France to assemble a council upon the same dispute, if they had properly no cognisance of it. Even in the letters that the emperour wrote, to invite foreign bishops to the council of Pavia, he had expressed his intention, *that it should be declared in his presence, by their just judgment, which of the two popes had a right to the government of the universal church.* If therefore he now claimed an exclusive prerogative to judge for himself, or by the prelates of the empire alone, upon the election of a bishop of Rome, he acted in contradiction to all his former conduct, as well as to the engagements he had taken with Louis, through the intervention of his friend, the earl of Champagne. And one can hardly believe that so wise a prince would have chosen to incur the reproach of such inconsistency, when he had so good a reason to excuse his sudden departure, as the famine in his camp. There is a strong probability that he quitted the neighbourhood of St. Jean de Laone before the day appointed for holding the council; for, otherwise, he would have had a still better plea, namely, the absence of Alexander, who remained in the monastery of Bourgdieu in Berry, notwithstanding the assurances which Louis had given, that he would bring him to appear before the council: and in that case the king, not the emperour, would have broken the articles of the compact between them; nor could the former have recovered his hostages, without yielding up his own person in their stead, or joining with the emperour to condemn and depose Alexander, on account of his non-appearance. Perhaps indeed that pontif might have ventured to come under the guard of King Henry: but as it was contrary to his former declarations, it is much more probable that he would have persisted, in not submitting himself to the judicature of this assembly. Certain it is, that the

retreat

v. Epist.
F. ed. ap.
Radevic.

retreat of Frederick and his army extricated both his Holiness and the king of France from such difficulties, as they could hardly have surmounted; and that retreat was no less owing to the king of England's approach, than to the want of provisions in the emperor's camp. Henry, finding that the first news of his being on his march had effectually answered his purpose, advanced no further than Bourgdieu, where Alexander, on whose head he had fixed the triple crown, received him with acknowledgements due to a service of such mighty importance. Nor was Louis less sensible of his own obligation to him in this affair. He felt it so strongly, that it effaced from his mind all the impressions which had been made against that prince by the intrigues of his enemies. They both had soon afterwards a meeting with Alexander at Touci upon the Loire, where the two kings walking afoot on each side of his horse held the reins of his bridle, and led him to a pavilion which was prepared to receive them; *A spectacle (says Baronius) to God, angels, and men, such as had not yet been seen in the world!* It was indeed astonishing: but the emperor himself, by the bigotry of the times, had been compelled to submit to a like humiliation. For, at the ceremony of his first reception in Rome, he held the stirrup of Adrian the Fourth, much against his own will, after a long and very warm dispute with that pontif. It is said, that having held it on the wrong side of the horse, and being admonished of his error by the pope, he made answer, *that his ignorance must be excused, as he had never before done the office of a groom.* When the veneration for the papacy was carried so high, and such kind of idolatry was paid to the persons of the bishops of Rome, even by the greatest princes, a story, which Baronius has related in his annals under this year, will not seem incredible. He says, that when Alexander made his first entrance in-

to

Chro. Norm.
p. 997.
Baronii An-
nal. sub ann.
1162.
Histoire d'
Allemagne
tom. v. sub
eodem anno.

V. Baron. An.
Eccles. sub
ann. 1162.
p. 465, 466.

to Montpellier, among the Christian nobility, that attended him on his way, in a solemn procession, there was a Saracen prince or emir, who reverently came up to him, and kissed his feet, he being on horseback; then *knelt down before him, and bowing his head adored him as THE HOLY AND GOOD GOD OF THE CHRISTIANS.* He does not tell us that Alexander in any manner reproved him for his blasphemous error; but, on the contrary, takes notice, that he shewed him extraordinary kindness; and adds, that all who saw it were filled with great admiration, and applied to the pope the words of the prophet David, *All the kings of the earth shall worship him, and all nations shall serve him.* Thus, in that age of ignorance and credulity, did superstition even deify the bishop of Rome! but it is still a more shocking impiety, that a learned cardinal, who lived in the seventeenth century, should relate such a fact without expressing the least disapprobation of it; nay, rather with an air of complacency and applause.

During this conference Alexander acted as mediator between Louis and Henry, and obtained a peace for the latter, without the restitution of the forts on the river Epte, or any other sacrifices made by him to Louis. Gratitude and good humour had entirely expelled from the mind of this monarch all those sentiments of resentment, or political jealousy, which had engaged him, with more heat, than reason or discretion, in the late war. He now saw the king of England in no other light, than as the deliverer of him and the church from a state of captivity: nor was he able to resist the intercessions of one, who stood, as he imagined, in the place of St. Peter. It was also a great advantage to Henry's affairs in France, that, by means of the late transactions, the earl of Champagne had lost his credit with Louis. And probably Henry might have gained a greater ascendant than ever,
over

Chro Norm.

p. 958.

over the counsels of that king, if he had never quarrelled with the church and Becket. But it will appear by the sequel of this history, that no sense of obligation, nor ties of friendship, could restrain or mitigate the fury of religious zeal in a bigot so warm as Louis, who was transported, by the hatred arising from thence, even to acts of hostility the most repugnant to morality and natural justice.

Chron. Norm.
ut supra.

About this time, Henry received an extraordinary embassy from the Mahometan king of Valencia and Murcia, with a most splendid present, of gold, silk, horses, camels, and other valuable commodities, the produce of Africk or the East. I find in some of the Spanish historians, that Raymond, earl of Barcelona, and regent of Arragon, assisted this prince against the Miramolin, or chief of the Moors named Almohades, whose arms he had drawn upon himself by refusing to pay him the obedience, to which the other Mahometans in Spain had submitted. It was the interest of the Christians to support these lesser princes against that great potentate; and therefore Raymond acted wisely in making this league. As his dominions were contiguous to the dutchy of Aquitaine, the king of Valencia might hope to obtain some advantage, by connecting himself also in friendship with Henry, whose alliance, together with that of the Arragonesa and the Catalans, would add much to his strength in the very difficult war he had to sustain. This, I presume, was the real motive of this expensive embassy; to which the English monarch made a proper and becoming return, by sending him presents of still a greater value, with assurances of a reciprocal regard and esteem: but we are not informed that he gave him either money or troops; nor, indeed, that the ambassadors applied to him directly for any such assistance; the intention of their master being only to lay a foundation of amity, on which he might afterwards ground a request of that nature.

I:

It is not unlikely, that, in consequence of this intercourse, a trade might be settled, between the Moors of Valencia and Murcia, and Henry's French subjects, especially those of Aquitaine: for the wisdom of that prince would naturally teach him, that a treaty of commerce, which might open to his people any new source of wealth, was equivalent to a conquest. He gained at least this benefit, from the advances made to him by the king of Valencia, that it added to the veneration his subjects had for him, to see the prince of a remote and infidel nation thus solicit his friendship. Nothing more affects the minds of the people than a novelty of this kind! and whatever rises the reputation of a king encreases his power.

During the course of these various affairs in France, Henry had lost a very affectionate friend and servant in England. Theobald, the old archbishop of Canterbury, died in April, eleven hundred and sixty one. We have a letter, which he sent the year before to that monarch, and wherein he most pathetically exhorts and implores him to return to his kingdom, which wanted and earnestly desired his presence, "May it please your majesty (says the good prelate) "to return to *your own peculiar people*; by which expression he intended to insinuate to him, that the people of England, who had no other sovereign, were better entitled to his affection and care, than the Normans or any of his subjects in France. And, after having laid before him other reasons of importance, which might induce him not to stay any longer abroad, he mentions his own desire to see him again before he died. The expressions he makes use of are very affecting. "My flesh (says he) is consumed, and "my soul is on the point of departing from my "body; but it still lingers in hope and desire of your "coming. It refuses to hear the call of nature, "nor will it suffer mine eyes to close, till they have "had

Gerv Chron.
sub anr. 1151

v. Johan.
Sanib. epist.
63.

“ had the satisfaction of beholding your face.” Henry had a heart most tenderly sensible to the kindness of his friends, and did not think it beneath the dignity of a king to love a faithful servant. Nor was he ever unmindful of the duty he owed to his subjects in England : but his new quarrel with Louis and the incidents that arose with relation to the schism between Alexander and Victor, confined him in France against his will ; so that, unhappily, the good archbishop died without having seen him.

The see of Canterbury being thus vacant, it was a point of the utmost consequence for the king to consider, whom he should raise to that dignity ; as he had now a purpose of restraining the licentiousness of his clergy, and bringing them under the coercion of the civil authority, from which the weakness of government and the encroachments of the papacy, during the reign of his predecessor, had set them free. To render this arduous work less difficult to him, he wanted a primate, upon whose principles and affection he might depend ; who was no bigot ; who perfectly understood the rights of the state, and would dare to support him in asserting them against the immoderate pretensions of Rome. He thought, that in Becket he saw all these qualities, and, perhaps, only in him : it being no easy matter to find such a person among his clergy. Him therefore he resolved to advance to that dignity, at this critical time. Becket himself much desired it if we may believe Gilbert Foliot, bishop of London, who in a letter, which he wrote to him afterwards, on another occasion, affirms, “ that his eyes were watchfully fixed upon
“ the archbishoprick before Theobald died, and
“ that he did all he could to secure it to himself
“ on that event.” As this prelate then possessed the confidence of the king, he might be assured of this fact from the mouth of that prince ; and with-

out

V. Epist. S.
Thom. in Co-
dice Cottoni-
an. Claudius
B. See the
Appendix to
the next book

out such information, or other very strong evidence, it is not probable that he would have ventured to charge Becket with it, in such positive terms. Some friends of the latter, in their accounts of his life, assert indeed, that, when Henry first acquainted him with his intention to make him archbishop, he gave that monarch a fair warning, "that it would certainly produce a quarrel between them; because his conscience would not allow him to suffer many things, which he knew the king would require, and even already presumed to do, in ecclesiastical matters." They add, that, as he foresaw, that, by accepting this offer, he should lose the favour, either of God, or of the king, he would fain have refused it, and was with great difficulty prevailed upon to accept it by the pope's legate. But that any part of this apology for him is true I greatly doubt; as it stands contradicted by the affirmation of Foliot, which, in this particular is an evidence of far greater credit than the word of Becket himself; and as it ill agrees with the methods which were undeniably taken to procure his election; methods he must have known to be very inconsistent with the canons of the church and what was then called it's freedom. Nay, even these biographers themselves acknowledge, that one reason, which induced Henry to promote him to Canterbury, was, *because he hoped, that, by his means, he should manage ecclesiastical, as well as secular affairs, to his own satisfaction.* Indeed no other rational motive can be found. For, why should not that prince, who always considered propriety and decency in bestowing preferments, have chosen one of his bishops to be placed at the head of the English church, rather than a man not yet in priest's orders, a courtier, and a soldier? Nothing could incline him to make so extraordinary and so exceptionable a choice, which he might be sure would give offence to the body of the clergy, and scandalize many even of the laity in his kingdom,

Heribertus
in vitâ Beck-
et. Joan. Sar-
isber. in vitâ
Becket, et in
Quadrilogo.

V. Johan. id
Quadrilogo.
Wilhelmus
in vitâ S. T.
præfix epist.

dom, but a firm confidence, that he should be most usefully assisted by Becket, in the important reformation he meant to undertake. Nor is it credible that he should not have revealed his intentions, concerning that affair, to a favourite minister, whom he was accustomed to trust, without reserve, in his most secret counsels. But, if such a declaration had been made by that minister, as the abovementioned historians would have us believe, can we suppose that a king so prudent as Henry would have forced him into a station, in which he certainly would do him no service, but might have it in his power to be exceedingly troublesome, to him? It was, undoubtedly, by quite a different language, that the usual sagacity of this prince was deceived. Nor indeed could the most jealous and penetrating eye have discovered in Becket, before he was elected archbishop of Canterbury, any marks of an enthusiastick or bigotted zeal: but several indications of a contrary temper, and different principles, had appeared in his conduct. I shall mention only two, which are very remarkable. In the third year of this reign a cause had been tried before the king, concerning the exemption of Battle-abbey in Suffex from the jurisdiction of the bishop of Chichester; upon which occasion that prelate, to invalidate the charter of William the Conqueror, whereby the exemption in question had been granted, asserted that no layman, not even a king, had power to give any ecclesiastical dignities or privileges to a church; and that none, conferred in such a manner, could ever be valid, without the allowance and confirmation of the pope. Henry reprimanded him, with a great deal of spirit, for advancing this doctrine, saying, that “out of regard to the papal authority, *which was derived from the mere concessions of men*, he argued against the royal authority, which “was granted by God, in violation of his oath of allegiance: for which offence he (the king) expected

V. Concil.
Magaze Brit.
t. ii. p. 431.
sub ann. 1157

“ ed

“ ed and required him to be ready to answer according to law ; and called on the whole assembly, to do justice against him, as one who endeavoured to deprive his sovereign of the ancient dignities and rights of his crown.” This speech, which it well became an English monarch to make, but which contained propositions that Rome would have condemned as damnable heresies, Becket seconded and supported : whereupon the bishop of Chichester was forced to recant and ask pardon of the king. In the conclusion, the royal prerogative, and the exemption grounded upon it were confirmed by the whole council, with Becket’s concurrence.

Another strong instance, how little of the churchman had appeared in the chancellour, is the offence that he gave to the whole clergy of England, in the business of the scutage for the war of Toulouse. We are informed, by the abovementioned letter of the bishop of London, that they complained much of that burthen, and imputed its having been laid so heavy upon them to Becket’s advice. Not that, in reality, they had cause to complain : but the doctrines of Rome had taught them to regard all secular services as inconsistent with their spiritual functions, and they wanted an exemption from all publick charges, especially those of a military nature, not only for themselves, but for their tenants and vassals. These pretensions had gained ground during the reign of King Stephen, and every zealot for ecclesiastical liberty continued to maintain them.

Even the best of them (for such we may reckon the bishop of London) spoke of this imposition *as a wound to the vitals of the church*. Yet Becket did not scruple to give *that wound*, however careful he was afterwards of her safety. It is very observable, that even his friend, the archbishop of Canterbury, in one of the letters he wrote to Henry a little before he died, declares to that prince, “ that, being sensible his end was now approaching, he had vowed to God, among other things, *to pro-*

V. Epistol.
præd. c.

V. Joan.
Scrib. Epist.
49.

“*hibit, under pain of excommunication, the exaction*
 “*of the second aid which his brother the archdeacon*
 “*had imposed on the church.*” This second aid, I presume, was only a second payment of the scutage assessed on the clergy for the war of Toulouse. The archdeacon who imposed it was no other than Becket; and it would have been an extraordinary circumstance in the history of that prelate, if he had been excommunicated on this account, and afterwards fainter for having opposed the constitutions of Clarendon. But the old archbishop died, and no regard was paid to his opinion of this matter, either by the king or the chancellor. Perhaps indeed the letter was never sent; for it has neither date, nor superscription, except the word *Cantuariensis*: yet it evidently shews the sense, which the English clergy had of this imposition, and also, that it was laid upon them by Becket’s advice. After such testimonies of his zeal to maintain the royal prerogatives, against the exorbitant claims of Rome and the church, it is no wonder that Henry should believe him no bigot. And that opinion was unquestionably, the principal cause of this unhappy choice, which proved the source of great disquiet to that monarch and his kingdom. He had lately given a new, and very high mark of his esteem to Becket, by entrusting him with the education of the young prince, his eldest son; and he intended that he should still retain this charge, and the great office of chancellor, together with the archbishoprick: so that all power, civil and ecclesiastical, present and future, seemed to be put into the hands of one man. This necessarily drew upon him a heavy load of envy, which, with the unsuitableness of his general character, and manner of living, to such an eminent ecclesiastical dignity, threw difficulties in his way, that nothing but the force of the royal authority could remove. It appears from an epistle sent to him afterwards by all the bishops and clergy

Heribentus
in vita
Becket.

V. Epist.
S. Thom.
Cantuariensis.
Edit. Bruxel.
lis e Cod.
Vatic. Epist.
126. l. i.

OF

of England, that, as far as they durst, they signified, at this time, their disapprobation of the king's desire to promote him to Canterbury; and that, in spite of the popularity which he had so much affected, the whole nation cried out against it. We are also assured by the same evidence, which can hardly be rejected, that Matilda did her utmost to dissuade her son from it. But, though, upon other occasions, Henry paid her the greatest respect, he determined to act in this matter by his own judgment; and having taken his part, as he believed, on good reasons, his passions were heated by the opposition he met with, and his affection for his favourite concurred with the pride of royal dignity, to make him adhere to his purpose. Nor was Becket himself less eager than his master in the affair, if we may believe the testimony of the bishop of London, who says, in the letter I have quoted before, that, as soon as the death of archbishop Theobald was known to that minister, he *hastened* to England, in order to procure the vacant see for himself. Yet he found such an unwillingness in the electors, that, notwithstanding all his power, and the address he always shewed in the conduct of business, he was not elected till above a twelvemonth after his predecessors decease. Henry at last growing impatient of so long a delay sent over from Normandy his justiciary, Richard de Lucy, to bear his royal mandate to all the monks of Canterbury and suffragan bishops, that without further deliberation, they should immediately elect his chancellor Becket to be their archbishop. So great a minister, who brought such an order from a king, whom no person in his realm had ever disobeyed, except the Lord Mortimer, whose rebellion had ended so disgracefully to himself, could hardly be resisted by ecclesiasticks. Yet the bishop of London had the courage to resist him; and (if we may believe what he himself avers in his letter to Becket) did not give way, till *bannishment and proscription had been denounced against him*

Gervase sub
ann. 1161.
Codex Cotto-
rian. epist.
162.
ut supra.

and all his relations, by the justiciary of the kingdom. The same threats, he tells us, were used to the other electors. All were made to understand, that, if they refused to comply, they would be deemed *the king's enemies*, and treated, as such, with the utmost rigour. "The sword of the king (says the " abovementioned prelate to Becket) was in your " hand, ready to turn it's edge against any upon " whom you should frown; *that sword which you had " before plunged into the bowels of your holy mother, " the church.*" He explains these last words to mean the wound which had been given to the privileges of the church, by the imposition which the chancellour had laid on the clergy for the war of Toulouse; and concludes the severe remonstrances upon the irregularity of his election with the following words, *That if* (as he himself had asserted in a letter, to which this was an answer) *the liberty of the church was the life of the church, he then had left her lifeless.* It was indeed a more violent and arbitrary proceeding, than any that had hitherto been known in this reign. For though Henry, ever since his accession to the crown, had maintained the indisputable prerogative of it, not to let any archbishop or bishop be chosen without his recommendation, which the chapters and others concerned had always obeyed; yet still some appearance of a free election was kept: the electors were influenced rather than compelled; or, at least, the compulsion, which they were really under, was decently hidden. But in this instance all the terrors of power were employed without disguise, and even beyond the bounds of justice. How very desirous Henry was to carry this point appears most strongly from his words to Richard de Lucy, before he sent him to England. He said to him, "Richard, if I were now lying dead, would you not endeavour to raise my eldest son to the throne?" And upon his answering that he would, to the utmost of his power, the king replied: *Endea-*

your

your equally to raise my chancellour Becket to the see of Canterbury. Every objection to his promotion being thus overcome, the prior and monks of Canterbury, with the suffragan bishops, in presence of the young prince, Henry, of Richard de Lucy, and of many of the nobles assembled at Westminster, on the third of June, in the year eleven hundred and sixty two, the forty-fourth of Becket's age, elected that minister into the see of Canterbury: nor did any man dare to oppose it, or express any dislike of what had been done, except Gilbert Foliot, then bishop of Hertford, and presently afterwards translated to London, who ventured to say, when the ceremony was over, *that the king had worked a miracle, in having, that day, turned a layman and a soldier into an archbishop.* After the election, the prince, by a commission from his father, gave the royal assent to it; and then Becket removed from London to Canterbury, where he was consecrated by the bishop of Winchester; the see of London, to which properly that office belonged, being vacant. Not only the prelates and clergy of the province, but most of the nobility, and the young prince himself, attended the ceremony, paying these honours to the *favourite* as much as to the *primate*. It is remarkable, that he had taken priest's orders only one day before his consecration.

Prince Henry had been sent to England by his father, that the barons of the realm might do homage to him, as heir apparent. They performed that ceremony before the election of Becket, who was the first that swore fealty to him, *saving the faith which he owed to the king his father.*

About the end of January, in the year eleven hundred and sixty three, that monarch, disengaged from his affairs on the continent, returned into England. The peace of South-Wales had been greatly disturbed in his absence, by the dissatisfaction

Ger. & Dice-
to sub ann.
1162.

Fitz-Stephen
in vita Beck-
et.

Heribert. in
vita Becket.

Chro. Norm.
p. 999.
Diceto Imag.
hist. sub ann.
1162. p. 533.

See Dr. Powel's Welch Chron from p. 208, to 221.

and courage of Rees ap Gryffyth. After that prince had submitted and laid down his arms, in the year eleven hundred and fifty seven, he was much displeased that the territories, which had been assigned to him by Henry, did not lie all together, as he had been promised that they should, in the country round about Dynevor and Carmarthen; but were in different districts, and intermingled with the lands of other lords. The giving them in that manner would have been doubtless, good policy, if it could be so in a king to break his word. But Henry, having thus violated the treaty he had made for the pacification of Wales, did in effect rekindle that flame of war, which he had desired to extinguish by prudent concessions. Rees ap Gryffyth had never been a friend to the English: but this rendered him more their enemy, than if they had continued an open war against him. Yet he suppressed his resentment till he received a further provocation. Walter de Clifford, who had the government of a castle in Cardiganshire under Roger de Clare earl of Pembroke, having, on some pretence, made incursions into his lands in that county, he sent a complaint to the king, who returned him only fair words, without redress: at which losing all patience he boldly took up arms, and, with the assistance of his nephew Eneon, a young man of great valour, demolished all the castles of the English in Cardiganshire, which had lately been rebuilt by Roger de Clare, and subdued the whole province, before any sufficient force could be brought to oppose him. This was an act most offensive to the king, who had confirmed to the earl of Pembroke the inheritance of this country, which the father of that lord had obtained from Henry the First, and which, having been lost in the reign of Stephen, was, by the late peace, restored to the family: yet, as he then was engaged abroad in affairs of great moment, and could not be in-

sensible

sensible that Rhees had cause to complain of ill usage, he permitted him to enjoy the county of Cardigan, as a compensation for what he had an equitable right to in the province of Carmarthen. But either that prince was apprehensive, that this indulgence was no more than a temporary favour, which he should be deprived of, when the king had leisure to chastise him; or his ambition was not satisfied with so small a part of the kingdom that had belonged to his ancestors. For, while Henry was taken up in the war of Toulouse, he led his forces into Pembroke-shire; destroyed all the castles lately fortified there by the English, and then laid siege to the royal town of Carmarthen. But Reginald earl of Cornwall, who in the Welch chronicle is called earl of Bristol, Roger earl of Pembroke, and other English lords, assisted by the sons of Owen Gwyneth, and by his brother Cadwallader, came against him with a great army of English and Welch; at whose approach he was obliged to raise the siege, and retire to the mountains of Brecknock. They did not pursue him thither, but contented themselves with building a castle on the borders, to stop his incursions, repairing most of those which he had demolished in Pembroke-shire, and restoring to the earl of Pembroke the province of Cardigan.

About the beginning of the following year, eleven hundred and sixty, died Madoc ap Meredyth, prince of Powis-land. The Welch chronicle says of him: "that he had been ever a friend to the king of England, and was one that feared God and relieved the poor." Henry indeed had great cause to lament his death: for, by his faithful and loyal services, he not only had secured the marches of England, but had been very instrumental in bringing the other Welch princes to submit to that power, which he, who was descended from the ancient monarchs of Wales, was not ashamed to o-

V. Chr. Gerv.
sub ann.
1159.

bey. Gervase of Canterbury, a contemporary author, says that Henry, in the war against the earl of Toulouse, was served by one of the kings of Wales. If any of them did attend him there, it certainly was this prince, to whom that historian might still continue the title which his ancestors had enjoyed. After his death Powis-land, which he had held almost entire, was split into several portions by the Welch gavelkind, and never again was united under one prince. His immediate heirs were two sons, the issue of his marriage with a daughter of Gryffyth ap Conan, and three illegitimate, who shared equally with the former in the division of the whole paternal inheritance. But his nephew Owen, the son of Gryffyth ap Meredyth, styled in the Welch chronicle Owen Cyveliock, had a district called by that name, which contained near one half of Powis-land, and had been held, during his infancy, by Madoc, as his guardian. The sovereignty of England was acknowledged by all these princes; and therefore, when the king returned from France, he did not think it necessary to visit those parts; but gave all his attention to the affairs of South-Wales, and the war made against him there by Rhees ap Gryffyth, who, remaining unsubdued in the mountains of Brecknock, continually infested the neighbouring countries. That prince had been much encouraged, or had artfully contrived to encourage his people, by prophecies published in Wales and England, pretending to foretel, that Henry would never return to his kingdom. His arrival indeed put an end to that delusion, but not to the obstinacy of their revolt, till he raised a great army, and advanced with it himself to Pencadry near Brecknock, where Rhees, being unsupported by the other Welch princes, and finding himself unable to resist so formidable a power, came to him and made his submissions, upon which he was pardoned, and, renewing

V. Diceto
Imag. hist.
sub ann.
1163.

Welch Chro.
sub ann.
1163.

newing his homage, received the whole Cantreff Mawr, a large part of Carmarthenshire, in which was Dynevowr, the royal feat of his ancestors, kings of South-Wales, agreeably to the articles of the peace he had made in the year eleven hundred and fifty seven. But all Cardiganshire was left in the hands of the earl of Pembroke. Henry, having thus restored the tranquillity of South-Wales, without any blood-shed, returned from thence into England, and held his court in great pomp at Woodstock, his favourite palace; where Malcolm king of Scotland, Owen Gwyneth, and Rhees ap Gryffyth, with all the other inferior princes and chief lords of Wales, attended his summons, and paid their homage, both to him and his-eldest son, as heir to his kingdom.

*Diceto Imag.
hist. sub
ann. 1163.*

Some monarchs, great in war, or while they are struggling with the storms of adversity, sink, in tranquillity, into an effeminate and negligent indolence, which seems to unnerve all the vigour of their minds. But Henry Plantagenet was not one of these, Peace did not lay his virtues asleep: it only gave them a different exercise. His courage and magnanimity were then exerted in correcting the abuses of government, and bringing the state of the whole kingdom as near to perfection as the times would permit. How far he had gone, before, in this arduous work, the reader has seen. But a wise prince will never think of endeavouring to reform all evils at once; much less such as are covered under respectable names. Where he has not only faction but prejudice to contend with, he will proceed with great caution, wait for proper seasons, and be sure, by other trials, that his authority is too strong to be easily baffled. Nay, he will be patient till he has brought the voice of the publick to declare itself loudly in favour of the reformation he meditates. Henry did thus, with regard to the independency

pendency on the civil power, which, in Stephen's reign, the English clergy had arrogated to themselves, and still continued to claim. But before I enter upon this subject, I think it will be proper to give some account of him in those parts of his character, which make us acquainted with *the man* as well as *the king*. I shall also delineate a short sketch of the customs and manners of the nation, and endeavour to supply whatsoever is wanting for the information of the reader, in the civil and political state of the kingdom.

V. Petri Ble-
tensis epist.
66. inter
opera ejus, et
in Appen-
dice.

The person of Henry was masculine and robust, excelling rather in strength of limbs and dignity of aspect, than in delicate or exact proportions of beauty. Yet his features were good; and, when his mind was serene, there was in his eyes a great sweetness; but, when he was angry, they seemed to sparkle with fire, and dart out flashes of lightning, says Peter of Blois, in a description he gives of him to the archbishop of Palermo. This passionate temper, which shewed itself in his countenance by such visible marks, was his greatest imperfection: for, upon any sudden provocation, he could not command the first motions of his rage, though at other times he possessed an extraordinary degree of prudence and judgment. Nevertheless this infirmity never betrayed him into furious or cruel actions; but only broke out in words or gestures: nor did his anger long continue; and, when he was cool, his disposition and behaviour were gentle and humane. He was tenderly compassionate to all persons in distress; and his good œconomy seemed to be chiefly employed in providing an ample fund for his charity and bounty. Besides what he laid out in acts of munificence occasionally done, some of which were the greatest we read of in our history, he assigned the tenth part of the provisions of his household, to be constantly given in daily alms to the poor. His treasures were ever open to all men
of

of merit; but he was particularly liberal in his presents to strangers, who came to visit his court; as many did from all the nations in Europe, drawn by his fame, which was every where high and illustrious. Giraldus Cambrensis, a writer of considerable note in those days, speaks of him with some degree of censure on this account; as if his having been so lavish to foreigners was a detriment to his servants and domestick attendants, who were better entitled to his gifts. But very little regard is due to that author in what he says against Henry, towards whom he was sowered, not only by his prejudices as an ecclesiastick, but by having been disappointed in his hopes of promotion to the see of St. David's, which I shall have occasion to say more of hereafter. His malignity appears very strong in this instance: for surely that prince deserved no blame, but rather much commendation, for this part of his conduct. A generous hospitality is not the least of royal virtues. It does honour to a nation, and is attended with many political benefits: for guests, who have been obliged by favours conferred upon them in a foreign court, return home the partizans and friends of that court, and often serve it more usefully than its own ministers. Nor can there be a more shameful weakness in a king, than the allowing his courtiers to consider his wealth as a part of their property. Henry was too wise to encourage such a notion. He did not suffer those about him to confine either his purse or his ear to themselves. As his own judgment directed the course of his bounty, so his affability extended itself even to the meanest of his subjects: insomuch that his ministers must have found it a very difficult matter to conceal from him any truth, which it was useful for him to know. But, though his ears were always open to information or complaint, his heart was shut against calumny: nor did any good servant, through the whole course of his
long

V.G. Camb.
Hibern. ex-
pugnat c. 45.

long reign, suffer any loss of favour or credit, by the secret whispers of malice, or the vain and groundless clamour of popular rumours. He was so constant in his friendships and chose his ministers with such discretion, that not one of those whom he principally trusted was ever disgraced; except only Becket, who rather quitted, than lost, the place he had gained in his heart. The persons who are most steady in their attachments are generally most apt. to retain their aversions: and I find it observed in the character of this prince, that whom he once hated he could hardly be persuaded to admit any more to a share of his favour; but it does not appear that he ever hated without a sufficient cause. With what a generous clemency he pardoned rebellions, and other offences committed against himself, some remarkable instances have already been given, and more will occur in the latter parts of this history: but there is one which it is proper to take notice of here, as it will not fall in with the series of events related in the following books.

V. Petri Bles.
epist. ut
supra.

V. G. Camb.
part ii. p.
427. in An-
glicâ sacrâ.

Some gentlemen of his court being accused, in his presence, of having, at the suggestion of the bishop of Worcester, talked of him indecently and to his dishonour, they did not deny the words which were laid to their charge, but alledged that they were spoken when their minds were heated and disordered with wine. On this apology, he dismissed them all without any punishment, and retained no unkindness towards them or the bishop: an admirable proof of true magnanimity, and such as is found in few princes! for even the best are sometimes more angry at any liberty taken with their persons, than at an act of high treason against their crown. But Henry's good nature got the better of his pride; and he was so wise as to know, that his character would gain more by this moderation, than it could suffer by any injurious asper-
sions

sions. Nor would he encourage the baseness and malignity of informers, who endeavour to recommend themselves to the favour of a prince, by bringing to his ear the unweighed expressions of men in their hours of freedom: a practice as pernicious to the quiet of the sovereign as to the security of the subject. Henry's behaviour on this occasion effectually delivered his court from that pest, and rendered the air of it pure and healthful to liberty.

Of the piety of this prince we have a remarkable testimony from William Fitz-Stephen, a contemporary writer of Becket's life. He tells us, that the king would sometimes watch with the monks of Merton-abbey three nights before Easter: and that, after the evening service on Good Friday, he was accustomed to spend the remainder of the night, till the hour of nine, when the service of Easter eve begins, in walking on foot, and muffled up in a cowl, with only one companion, to visit all the poor churches in the neighbourhood, and perform his devotions in them. The serious sense of religion, which these practices seem to indicate, however tinged with a degree of innocent superstition, deserves great praise; and more especially in a monarch, who with so much spirit opposed the encroachments of the church on the temporal rights of the state.

No gentleman of that age excelled him in politeness, or had a more becoming and agreeable manner of conversing with all who approached him. His wit was very lively, but neither petulant, nor ill-natured: so that it made him no enemies, nor ever let down the dignity of his character. He had also the advantage of a wonderful memory, and a great flow of natural eloquence; which happy endowments he improved by a continual application to learning. For he was not content (as princes usually are) with the rudiments acquired in his childhood;

V.G. Camb.
ut supra, &
Petri Bles.
epist. ut
supra.

childhood; but constantly employed a great part of his leisure in secret study, or in assemblies of clergymen, with whom he delighted to reason and hear their opinions, on points of literature and science. His daily school (says Peter of Blois) was the conversation of the most learned men, and a kind of academical discussion of questions.

V. P. B'esen.
ut supra.

V. Fitz Ste-
phen in vita
S. T. Can-
tuar.

With his intimate friends he lived in the most gracious and easy familiarity, particularly with Becket, to whose house and table he would frequently come uninvited and unexpected. *After they had finished their serious affairs, they played together* (says a writer of Becket's like) *like two boys of the same age.* The king's good humour seems indeed to have been sometimes *too playful, in the eye of the publick.* But the notions of decorum were not in those times so high and rigid as now: nor could the military life, then led by our monarchs, be rendered consistent with all that pride of royal state, which the forms of a settled court are thought to require. Indeed any king may safely and amiably divest himself of his majesty, in hours of recreation, if he knows how to keep it up, on proper occasions; and if those companions, whom he chuses to unbend himself with, are neither so mean, nor so vicious, as by their intimacy to dishonour and lessen his character. Henry sported with his chancellor, and with the nobility of his court: but it does not appear that he ever contaminated himself with the low society of buffoons, or any of those who find access to the leisure hours of princes, by ministering to their vices, or soothing their follies.

V. Epistol.
ut supra.

His favourite diversion was hunting; in which he followed the customs of his ancestors, and more especially of the Normans, who took a pride in this exercise, as indicating a manly temper of mind, and forming the body to the toils and hardships of war. We are told by his secretary, Peter of Blois, that

that when he was not reading, or at council, he had always in his hands a sword, or a hunting spear, or a bow and arrows. The hunting spear was used against wild boars, which were then in our forests, and adding greatly to the danger added also to the honour of this recreation. Henry rose by break of day, pursued the chace till evening with unabated ardour, and when he came home, though all his servants were tired with following him, he would not sit down; but was always on his feet, except at his meals, which he usually made very short. Even while he was consulting on business with his ministers, he stood, or walked. Thus he kept down a disposition to corpulency which would have otherwise incommoded him, and preserved the alacrity of youth to old age. From the continual habit of exercise he was so indefatigable, that he would perform in one day (if occasion required it) a journey of three or four to an ordinary traveller; by which expedition he often came unexpectedly upon his enemies, disconcerted the measures that were taking against him, and crushed the first motions to rebellion or sedition, even in the most distant parts of all the several states that were under his government. The frequent progresses he made about England have already been mentioned. They were very beneficial to his people; the execution of the laws, the good order of cities, the improvement of agriculture, manufactures, and trade, being thus under his own immediate inspection. He was the soul of his kingdom, pervading every part of it, and animating the whole with his active vivacity. Nor were his cares for the publick interrupted by luxury, or the powers of his mind disordered and enfeebled by excess. He was constantly sober and often abstemious both in eating and drinking. His table was frugal, his diet plain, and in his dress he affected the utmost simplicity, disliking all ornaments, which might en-

cumber

cumber him and hinder his exercise, or shew an effeminate regard to his person. Yet this did not proceed from inattention to women. He was but too sensible of the power of their attractions, and too desirous to please them, even to the end of his life.

His first mistress was Rosamond, daughter of Walter de Clifford a baron of Herefordshire, and the most celebrated beauty in England. Their intrigue must have begun in the year eleven hundred and forty nine, during the short stay he made in the western parts of that kingdom before he went to join the Scotch at Carlisle, and when he was very little more than sixteen years old: for after that time he never was in England till the beginning of the year eleven hundred and fifty three; and it appears from good evidence, that his younger son by this lady was almost twenty years old, when he was elected bishop of Lincoln, in the year eleven hundred and seventy three. The eldest must therefore have been born in the year eleven hundred and fifty; unless we suppose that his mother followed her lover to France, of which there is not the least intimation in any ancient author. At Henry's return into England, in January eleven hundred and fifty three, he renewed his amour with her, and she must have brought him her second son during the course of that year. As he was then married, he might, probably, be afraid of Eleanor's jealousy, and solicitous to hide his intrigue from her knowledge; which he might think still more necessary, when she was with him in England, after he came to the crown. And this may have given rise to the romantick tradition, mentioned by Brompton, of his having made a kind of labyrinth, in his palace of Woodstock, to conceal his mistress from the sight and vengeance of his queen. But the tale of her having been poisoned in that palace by Eleanor has no foundation. Before her death she retired to the

nunnery

V G. Camb.
de vitâ Gal-
fridi archiep-
e i. in Angliâ
factâ, t. ii.
Dilecti mag.
histor. sub
ann. 1173.

nunnery of Godstow near Oxford; and there she died, in what year I cannot find; but it appears that it was during the life of her father. Henry bestowed large revenues on the convent; in return for which he required, that lamps should be kept perpetually burning about the remains of this lady, which were placed near the high altar, in a tomb covered with silk: but, under the reign of his successor, Hugh bishop of Lincoln commanded them to be taken away from thence, as being unworthy of so holy a place: upon which they were removed to the chapter house of the nunnery, and there interred. It may be questioned, whether mere piety and zeal against vice excited the bishop to this act, or a desire of making his court to Eleanor, who then governed the kingdom. That Rosamond, after her retreat from the world and her lover, lived the life of a penitent, and died in the communion of the church, I see no room to doubt: but, if the tender respect, which Henry paid to her memory, was carried too far, it was (to say the worst of it) the amiable extravagance of a good heart. One should suppose, that, so long as their connexion continued, he had no other mistress. Yet we are told by a writer of Becket's life, that, before the promotion of that prelate to Canterbury, there was at Stafford a very handsome girl, with whom Henry was said to cohabit. Possibly Rosamond might be dead before this intrigue began. Fitz-Stephen, in his account of the beginning of the quarrel between Henry and Becket, mentions a sister of the earl of Clare and Pembroke, as the greatest beauty in England, and one for whom the king had entertained a passion: but that she did not yield to his desires may be inferred from the expression made use of by that author. There was one Morgan, provost of Beverley, who was said to be his son by the wife of Sir Ralph Blewit, or (as others write it) Blower; and was so proud of his birth, that, rather

See Dugdale's Baro-
nage under
Clifford.

Hoveden,
pars poster.
Ricard. I.
f. 405. sect.
20.

v. Wilhelm.
in Quadrilog.

ther than deny it in the presence of the pope, he renounced his election to the bishoprick of Durham: but I do not find that he was ever acknowledged by his supposed father: and some authors say, that his mother was not the wife, but the daughter of Sir Ralph; which is the more probable account, as he was called, not Blewit, but Morgan. It appears from records, that Henry had a natural daughter, named Matilda, whom he made abbess of Berking, after the death of Becket's sister, and whose mother's name was Joanna: but when she was born, or of what family her mother was, is uncertain. I shall have occasion hereafter to mention other instances of his incontinence, and some that produced the most unhappy effects: but in his love for Rosamond, or any other of the abovementioned ladies, there was no other weakness than what is inseparable from the passion itself, irregularly indulged. He never sacrificed to them one hour of business, or suffered them to meddle in the government of his kingdom. Nor was he lavish in bestowing either honours or riches on their relations or dependants. No worthless man ever rose to power by their favour; no worthy man ever incurred a disgrace at court by their malice. Henry was indeed too frequently a lover; *but he was always a king.*

Some cursory observations have already been made on the manners of the nation, as they were in those days, but not so particularly as the subject requires. There is a remarkable passage in William of Malmſbury upon the different characters of the English and Normans. He says, that, before the latter had obtained possession of England, learning and religion were brought to so low a state in that kingdom, that most of the clergy could hardly read divine service; and, if, happily, any one of them understood grammar, he was admired and wondered

Inter brevia
regis apud
Turrim Lon.
de ann. 19.
Edw. II.

V. Malmſb.
f. 57. l. iii.
de W. I.

wondered at by the rest as a prodigy. The English nobility were very deficient in the external duties of piety; it being customary among them, even for those who were married, to hear matins and mass said to them in their bed-chambers, before they were up, and as fast as the priests could possibly hurry them over; instead of attending divine service, with proper solemnity, in churches or chapels. Many of them were guilty of the unnatural inhumanity of selling their female slaves, whom they had kept as their concubines, when they were big with child by them, either to publick prostitution, or to perpetual slavery in foreign lands. They were also universally addicted to drunkenness, and continued over their cups whole days and nights, keeping open house, and spending all the income of their estates in riotous feasts, where they eat and drank to excess, without any elegant or magnificent luxury. Their houses were generally small and mean, their garments plain, and succinct: they cut their hair short, and shaved their faces, except the upper lip; wearing no ornament, but heavy bracelets of gold on their arms, and painted figures, that were burnt into the skin, on some parts of their bodies. The Normans on the contrary (as the same author informs us) affected great finery and pomp in their cloaths; and were delicate in their food, but without any excess. They spent little in house-keeping, but were very expensive and magnificent in their buildings, making that their chief pride, and introducing a new and better mode of architecture into this island. Nor did they only display this magnificence in their own private houses; but embellished all the kingdom with churches and convents more splendid and elegant than those of the English. They are also commended, by the abovementioned historian, for establishing here a more decent and more regular form of

Idem, f. 56.
l.iii. sect. 29.

V. Usher
Antiquitat.
eccles. Brit.

V. Malmsh.
ut supra.

religion : but yet it is certain, that, by admitting new doctrines of popery, to which the Anglo-Saxon church had never assented, they further corrupted the purity of the Christian faith in this island. He adds, that they were faithful to their liege lords, if they were not ill used ; but that, on occasion of the lightest offence given to them, they broke their allegiance : that being accustomed to a military life, and hardly knowing how to live without war, they made it with ardour ; but, if they could not succeed by open force, they understood equally well how to employ both fraud and bribery : whereas the English had only a rash and impetuous valour. He likewise tells us, that the Normans were apt to sell justice ; that they were full of emulation, ambition, and envy ; that they frequently themselves oppressed their vassals, but bravely defended them against all others ; willingly intermixed with the people they had conquered, and of all nations in the world were the kindest to foreigners, putting them upon an equal foot with themselves, if they came to settle among them.

V. Malmsh.
Prologum l.
iii. de gestis
reg. Anglor.

Such is the picture drawn by William of Malmshbury of the English and Normans compared and contrasted together : and no writer of those times was better qualified than he to form a true judgement of their good and ill qualities, or more impartial between them ; for he had very good sense, with much knowledge of the world, and was equally related in blood to both nations. Nevertheless the diversity, which he has observed in their manners, did not remain till the times in which he wrote. He tells us himself, that the English soon accommodated themselves to those of the Normans. after they had been forced to submit to their government, except in one article, namely, their temperance in eating and drinking ; but, instead of learning that, they communicated to them their
own

own habits of drunkenness and immoderate feasting, which continued for many ages the national vices of their common posterity.

In weighing the merits of each people, as here described, it will be found that the Normans were greatly superiour to the English in politeness and knowledge; and it may therefore be thought, that, by a mixture with them, the latter received such improvements, as were a sufficient compensation for the many evils brought upon them in other respects. It must also be confessed, that, so long as the Anglo-Saxons were masters of England, that kingdom was of no account in the system of Europe; but grew to have weight and authority on the continent under the government of the Normans, both from the dominions which the princes of that race possessed in France, and from their active ambition, which, seconded by the enterprising and warlike disposition of all their nobility, rendered the English name respected and illustrious abroad. But whether this honour was not purchased too dear, by the loss of that peace, which the situation of England, especially if united with Scotland and Wales, might have secured to it under the government and *island-policy* of the Saxons, may well be disputed. Besides the constant expence of blood and treasure, one great mischief, occasioned by it, was the taking off the attention of many of our kings from the important objects of agriculture, manufactures, and commerce. Yet, on the other hand, it is certain that foreign wars, by exercising the valour, encrease the strength of a nation, which, remaining long unemployed, is very apt to decay, and sink into an infirm and effeminate softness; particularly where the people are much addicted to commerce; the mercantile spirit prevailing over the military more than is consistent with the safety or virtue of a state. To keep up the energy of both these spirits in a proper degree, and without preju-

dice to each other, is a very important and very difficult part of political wisdom, which has been performed in few governments, either ancient or modern.

The military art, during the times of which I write, was in many particulars the same with that of the ancient Romans. We are informed by a contemporary German historian, that, in the methods of encamping, and of besieging towns or castles, the Emperour Frederick Barbarossa followed their rules. And the histories of the holy war, written within the same age, describe the sieges made in Asia, by the English and French, agreeably to those carried on under the discipline of that nation. We have one composed by an Englishman, Geoffry de Vineauf, that gives a particular relation of the siege of Acre, or Ptolemais, to which he accompanied King Richard the First. It appears from thence, that the besiegers, among other machines which had been used by the Romans, had moveable towers, built of wood, and of such a heighth, that the tops of them overlooked the battlements of the city. They were covered with raw hides, to prevent their being burnt; and had also a network of ropes, which hung before them, and was intended to deaden the violence of the stones, that were thrown against them from the engines of the besieged. Those engines are called by this author *petrariae*, but were the *balistæ* of the ancients: and, according to his account of them, their force was prodigious: they threw stones of a vast weight, and were employed by the besiegers to batter the walls, as by the besieged to defend them. He likewise mentions the cross-bow among the weapons made use of in that siege. It had been introduced into England by William the Conqueror, who greatly availed himself of it, at the battle of Hastings: but the second Lateran council having forbidden it in wars between Christian nations, it was laid aside

V. Radevic.
l. ii. c. 2.
c. 58.

V. Galf.
Vineauf.
Angl. Ricar.
reg. iter
Hierosol.
c. 36.

V. P. Daniel
Hist. de la
milice Fran-
çoise, t. i.
p. 62.
V. Galf.
Vineauf.
ut supra.

V. Gul.
Pictav. Gust.
G. Duc. Nor.
p. 201.

in

in this country, during the reigns of King Stephen and of Henry the Second. Nevertheless Richard the First, at his return out of Palestine, brought it again into France, very fatally for himself, as he was killed soon afterwards by an arrow shot out of that engine.

P. Daniel
hist. de la
milice Fran-
çoise, l. vi.
p. 424, 425.
G. la Breton
Philippiad.
l. v.

The manner of fortifying towns and castles, as well as the methods both of attack and defence, were still much the same as had been used by the Romans : but the armies differed much from those of that people ; for their principal strength was in the cavalry ; whereas, among the Romans, it was in the legions, which were chiefly composed of infantry. And this variation produced others, in the manner of fighting, and of ranging the troops. Yet, upon many occasions, the horsemen dismounted to fight on foot ; and this seems to have been done by the English more frequently than by most other nations. The infantry, for the most part, were archers and slingers ; nor were there any in the world more excellent at that time than those belonging to this island, the Normans having communicated their skill to the Saxons, and the Welch being famous for strength and dexterity in drawing the bow. The offensive arms of the cavalry were lances and swords : but they also used battle-axes, and maces of different sorts ; and some fought with ponderous mallets or clubs of iron. I cannot better describe their defensive armour, than by translating the words of a contemporary historian, who has given an account of the manner in which the order of knighthood was conferred on the father of King Henry the Second. “ They put him on (says

V. Morach.
Mairemb
hist Gaufrid.
Duc.
See also Sel-
den's Titles
of Honour.
And Pere
Dan. hist.
de la milice
Françoise,
l. vi. p. 385.

“ that author) an incomparable habergeon, composed of double plates or scollops of steel, which
“ no arrow or lance could penetrate. They gave
“ him cuishes, or boots of iron, made equally
“ strong. They put gilt spurs on his feet, and
“ hung on his neck a shield, or buckler, on which

“ lions of gold were painted. On his head they
 “ placed a helmet, which glittered all over with
 “ precious stones, and was so well forged that no
 “ sword could cleave or pierce it.”

This armour, it may be presumed, was richer than that of ordinary knights, and of more excellent workmanship in the temper of the steel; but in other respects much the same. The habergeons, or coats of mail, were different from the cuirasses used in later times, being formed of double plates of iron, and covering the arms and shoulders of the knights, as well as their bodies. Under these they wore other coats, of leather, or of taffety, quilted with wool. The several parts of the outward armour were so artfully joined, that the whole man was defended by it from head to foot, and rendered almost invulnerable, except by contusions, or by the point of a lance or sword running into his eye, through the holes that were left for sight in the vizor of the helmet: but if it happened that the horse was killed or thrown down, or that the rider was dismounted, he could make but little resistance, and was either taken prisoner, or slain on the ground with short daggers, which were usually worn by the horsemen for that purpose. It being customary for all who were taken in war to ransom themselves with sums of money, which were generally paid to those who took them in proportion to the rank of the captives, good quarter was given.

There is a remarkable passage relating to this subject, in Ordericus Vitalis, a writer contemporary with King Henry the First. He tells us, that, in a battle between Louis le Gros and that prince, of which an account has been given in a former part of this work, nine hundred knights were engaged, and only two of them killed: “ because
 “ (says the historian) they were cloathed all over
 “ with iron, and from their fear of God, and the
 “ acquaintance they had contracted by living toge-
 “ ther,

V. Gul. B-i-
 ton, p. 263,
 as cited by
 P. Daniel
 hist. de la
 milice Fran-
 coise, l. vi.
 p. 384.

V. Ord.
 Vital l. xii.
 p. 854.

See vol. i.
 p. 137.

“ther, they spared one another, and rather desired
 “to take than kill those who fled.” Some battles
 in Italy, which Machiavel has described, as fought
 by the mercenary bands of that country, in the
 fourteenth and fifteenth centuries, were of the same
 kind. But it must be observed, that one of the
 reasons here given by Ordericus Vitalis, why so few
 of the knights, or men at arms, were slain in this
 action, viz. that they spared one another, out of
 regard to the acquaintance they had contracted by
 living together, did not hold in engagements be-
 tween different nations, that were not so connected
 as the French and Normans; nor in civil wars,
 where the animosity is encreased, not diminished,
 by the knowledge which the adverse parties have
 of each other: and therefore in these we do not find
 that the battles were so harmless: yet the greatest
 slaughter was generally made of the foot, who were
 neither so well armed for defence as the knights,
 nor able to pay so high a price for their ransoms.

Roger de Hoveden speaks of horses covered with
 armour in the reign of Richard the First: but I find
 no mention thereof in the times of which I write; and
 that they were not usually so armed in the reign of
 Henry the First, may be proved from an action be-
 fore related, between Odo de Borleng, and the bar-
 ons of Normandy, who had revolted against that
 prince, in which all the horses of the rebels were
 killed by the arrows of the English, though not
 one of the riders was wounded.

V. Histoire
 Florentine,
 l. vii. p. 281.

V. Hoveden.
 f. 444. 2.
 sect. 50.

See vol. i.
 p. 142.

In the above-recited passage, concerning the
 arms that were given to Geoffry Plantagenet, when
 he received the order of knighthood, it is said,
 “they brought him a lance of ash armed with
 “the steel of Poitou, and a sword from the royal
 “treasure, where it had been laid up from old
 “times, being the workmanship of Galan, the
 “most excellent of all sword-smiths, who had exert-
 “ed in forging it his utmost art and labour.” A
 skilful

skilful swordsmith, was then so necessary to a warrior, that it is no wonder the name of one who excelled in his profession should be thus recorded in history, and a sword of his making deposited in the treasury of a king. It must be observed, that, in those days, a superior degree of bodily strength gave a double advantage: for the strongest knight could wear the heaviest armour; whereby he was better secured than others against the weapons of an enemy; and at the same time he could wield the most ponderous weapons, which the armour of others was unable to resist. This advantage was still encreased if his sword was finely tempered, and his defensive arms were rendered more impenetrable by the skill of the armourer in preparing the steel. Thus some extraordinary acts of personal valour, which are related in our ancient histories and seem to us quite incredible, may indeed be true. A single man, in a narrow pass, may have defended it against a great number of assailants; and the success of a battle may have sometimes been decided by the particular prowess of a few knights, or men at arms. Geoffry de Vineauf, in his account of the crusade against Saladin, makes the officers of the Turkish forces say to that prince, in excuse of their having been beaten in an engagement with the English, *that they could not hurt the enemy, who were not armed as they were, but with impenetrable armour, which yielded to no weapons; so that in assaulting them they seemed to strike against flints.* The same author describes the Turks in another part of his book, as being armed very slightly, but bearing a quiver full of arrows, a club set thick with sharp spikes, a sword, a light javelin, and a short dagger or knife. Yet it appears, from his own relations of several battles, that with these weapons they often killed a great number of the Christians: and therefore we must understand the passage before-cited with some allowance for a degree of exaggeration. We also find

find that the armour of the knights in those days was not always proof against arrows from Welch or English bows. And such violent strokes were given with maces and clubs of iron, as no helmets could resist. Besides the heavy cavalry, there was a sort of light-horse, that only wore an habergeon and scull-cap of that metal. Some of the infantry had also skull-caps and jaquettes of mail, with targets of wood, or light breast-plates. It was customary for knights to bear their coats of arms painted, either upon the rims, or in the middle of their shields; and their helmets were adorned with different crests, which, together with the arms, remained to their families. Some good authors have ascribed the origin of this custom, from whence the modern science of heraldry was derived, to the institution of tilts and tournaments, in the tenth century: but others date it from the crusade under Godfrey of Bouillon, when the confusion arising from so great a number of noblemen of different nations serving together made them invent these distinctions. A late ingenious French writer has very justly observed, that wearing such ensigns on their shields, and appropriating them to distinguish particular families, could not have been the general practice in Europe, till after the death of William the Conqueror: for, if it had, his son Robert must have known him by his armour, and could not have ignorantly thrown him to the ground, as hath been related in the book prefixed to this history.

V. Gul. le Breton. Phil. p. 263. et P. Daniel hist. de la milice Francoise, p. 392.

V. Essai sur la Ville de Paris.

Tilts and tournaments, we are told, were first introduced into Germany by the emperor Henry, surnamed the Fowler, who died in the year nine hundred and thirty six; and who, among other ordinances relating to those sports, forbade the admitting of any person to joust, who could not prove a nobility of four descents. Soon afterwards they were brought into England by King Edgar; and, in the following century, were established all over France.

V. Selden de Ducilo.

Hist de la
milice Fran-
çoise, l. vi.

France. Geoffry de Preuilly, a baron of Anjou, is mentioned, in some of the histories or chronicles of that age, as the first who introduced them into that kingdom: but Father Daniel rather thinks, that he only drew up a code of laws, by which they were regulated; and that those regulations had been settled by the king and the nobility in their assemblies.

V. Neubrig.
et Hoveden.

These entertainments are justly called, by some of our ancient historians, *military exercises* and *preludes of war*. For they were of very great use to instruct the nobility in all the methods of fighting which prevailed at that time, but, especially in the dextrous management of their horses and lances. They also kept up a martial disposition, and an eager emulation for military glory, in time of peace. But, as they were frequently attended with accidents fatal to the lives of the combatants, Pope Innocent the Second and Eugenius the Third made canons against them, by which all who should die in them were denied Christian burial. Yet, notwithstanding the severity of this prohibition, they continued in France; and a few of them were held under King Stephen in England; but Henry the Second, from the humanity of his nature; or, perhaps, to shew his respect for the authority of the church, where the interest of the state did not absolutely oppose it, most strictly forbid them. His sons revived the practice of them, especially his successor, Richard; whose ardour for them was violent; because no person excelled in them more than he himself: nor did they entirely cease in England till the latter end of the sixteenth century: for, in the year fifteen hundred and seventy two, among other pomps for the entertainment of the duke of Anjou, Queen Elizabeth held a tournament in the tilt-yard at London, where Sir Philip Sidney won the prize: and carousals, another mode of them, but not so dangerous, continued in use under James and

See the
Works of Sir
P. Sidney
and Preface.

and Charles the First. It must be likewise remarked, that, although tournaments were prohibited by King Henry the Second, the exercises practised there, and the emulation excited by them, were not intermitted during the course of his reign. A contemporary writer informs us, in giving an account of the city of London, that, on every Sunday in Lent, the sons of the citizens sallied forth in troops from the gates, mounted on war-horses, and armed with shields and lances, or, instead of lances, with javelins, the iron of which was taken off, in order to exercise themselves in a representation and image of war, by mock-fights, and other acts of military contention. He adds too, that many courtiers, from the neighbouring palace, and young gentlemen of noble families, who had not yet been knighted, came to combat with them, on these occasions. It cannot be doubted, that those noblemen, who had been honoured with knighthood, had proper places of exercise, for keeping up their skill in horsemanship, and the dexterity they had acquired in the management of their arms. The abovementioned author says further, that on every holiday, throughout the whole summer, it was usual for the young citizens to go out into the fields, and practise archery, wrestling, throwing of stones and missile weapons, with other such martial sports. And, during the festival of Easter, they represented a kind of naval fight on the river Thames.

The most particular and authentick account I have met with of the navies in those days, and also of the manner of fighting at sea, is in the before-cited history of Geoffry de Vinesauf. From his description it appears, that the ships of war were all *gallies*; but he says, that in his time they had generally no more than two rows of oars: and he adds, that the vessel, which the Romans called *Liburna*, was then named a galley; being long, narrow, and low-built. To the prow was affixed a piece of wood,

See Fitz-Stephen's account of London prefixed to his Life of Black-et.

wood, commonly then called a *spur*, but by the ancients, a *rostrum*; which was designed to strike and pierce the ships of the enemy: but there were also lesser gallies, with only one tier of oars: which being shorter, and therefore moved with greater facility, were fitter for throwing wild-fire, and made use of to that purpose. The same writer has related all the circumstances of a sea-fight, which the Christians, who were going to the siege of Ptolemais, had with the Turks on that coast. He tells us, that when the fleets were advancing to engage, that of the Christians was drawn up, not in a strait line of battle, but in a crescent or half-moon; to the intent, that, if the enemy should attempt to break in, they might be inclosed in that curve, and consequently overpowered. In the front of the half-moon (that is, at the two ends of the curve) the Christians placed their strongest galleys, that they might attack with more alacrity, and better repel the attacks of the enemy. On the upper deck of each galley the soldiers belonging to it was drawn up in a circle, with their bucklers closely joined; and on the lower deck the rowers sat all together, so that those who were to fight, and were placed above for that purpose, might have the more room. The action began, on both sides, with a discharge of their missile weapons: then the Christians rowed forwards, as swiftly as they could, and shocked the enemy's galleys with the spurs or beaks of theirs: after which they came to close fighting; the opposite oars were mixed and entangled together; they fixed the galleys to each other by grappling irons thrown out on both sides; and fired the planks with a kind of burning oil, commonly called *Greek wild-fire*. The account which the same historian gives of *that wild-fire* is worth transcribing. His words are these: "*With a pernicious stench and livid flames it consumes even flint*" and iron: nor can it be extinguished by water: but "*by*"

"by sprinkling sand upon it the violence of it may be abated; and vinegar poured upon it will put it out."

We know of none such at present. The composition was first discovered by Callinicus, an architect, who came from Syria to Constantinople; and the Greek emperours, for some time, kept the secret to themselves. Constantine Porphyrogenitus, in his treatise on the administration of the empire, which he dedicated to his son, advises that prince to answer the barbarians, who should desire him to give them any of the *Greek fire*, that he was not allowed to part with it, *because an angel, who gave it to Constantine the Great, commanded him to refuse it to all other nations*. While this advice was adhered to, the wild-fire proved of great use to the defence of the empire; several fleets, which came to invade Constantinople, having been burnt and destroyed by it: but it appears by the passage above-quoted, that in the twelfth century the secret was known to many other nations, and even to the Mahometans. I find also that it was used in the attack and defence of towns and castles.

V. Montefquieu, *Causés de la grandeur et decad. de l'empire Rom.*

The Saxon chronicle tells, that King Alfred, to oppose the invasions of the Danes, ordered a number of ships, or rather galleys, to be built upon a new model, different from those which were used by that nation, or by the Frisians; being higher than any of theirs, and almost twice as long; better sailors, more steady, and more proper for war. Of these some had sixty oars, and others more. Experience shewed that they were superiour to any of those ships, with which the northern corsairs had infested the coasts of England, till this admirable prince, whose genius and application to whatever might conduce to the benefit of the publick instructed his subjects in all kinds of useful knowledge, made this improvement in the naval architecture of the Anglo-Saxons. His son, and grandsons, after the wise example he had set them, kept up

Chron. Sax.
on. sub ann.
897.

V. Flor.
Wig. sub
ann. 938.
Hoveden,
sub ann. 937.

up very strong fleets, which not only protected, but enlarged their dominions. And (if we may believe the accounts of some ancient historians) his great grandson Edgar raised the maritime force of England to such a degree, as cannot be paralleled in the history of any other nation. They tell us, that this monarch had three several fleets, each of twelve hundred sail, and all stout ships, which were stationed to guard the different coasts of his kingdom; and that every year he cruised in each of these squadrons, so as to make, within that time, the whole tour of the island. If these ships had been built upon the same model as Alfred's, the number of rowers aboard of them, allowing but one to each oar, would have exceeded two hundred thousand, besides the mariners that were necessary to manage the sails, and soldiers for battle. But supposing that three in four of them were of a much smaller size, and carried no more than four and twenty men each, which was the lowest complement of any that we read of in those days, the number is still greater than England, not united either with Scotland or Wales, could possibly furnish, to be kept, as it is said these were, in constant employment. I am therefore surprised that Mr. Selden, in one of his most important and elaborate works, should seem to have given credit to this account, which certainly is exaggerated very far beyond truth: though it is probable that King Edgar had a much stronger fleet, and more constantly maintained on all the coasts of his kingdom, than most of his predecessors; because we find that he enjoyed a settled peace, through the whole course of his reign, unmolested by any of the people of the North, or other foreign states. Yet he had not been dead above six or seven years, when the naval power of the English was so strangely reduced, or so ill managed, that a Danish squadron of seven ships was able to insult some parts of their

V. Marc
claus. c. 10.

Chron. Sax.
Flor. Wig.
et Malmsh.

their coast, and to plunder the town of Southampton. Nor did the loss and dishonour which the nation had sustained by this descent, excite them to restore, or better regulate, their maritime forces. For, ten years afterwards, Ethelred, or rather those who had the direction of publick business, during the tender years of that prince, could find no means of delivering the kingdom from these invaders, but by giving them money; for the raising of which a new tax, called *danegeld*, was imposed on the people.

See also Sir G. Crooke's Argument in the case of the ship-money, State Trials, vol. i.

The natural effect of this timid measure was to draw on other invasions. They accordingly happened; and more compositions of the same nature were exacted, each new payment being higher than the foregoing: so that from ten thousand they came to eight and forty thousand pounds; a great sum in those days! One vigorous effort was indeed made by Ethelred, in the year one thousand and eight, to free himself and his people from this infamous tribute, by a general tax on all the land of the kingdom, for the fitting out of a fleet, which might effectually guard it against the Danes. Every three hundred and ten hides of land was charged to furnish a galley of three rows of oars, and every eight hides to provide a coat of mail and a helmet; which armour was for the soldiers, designed to be employed as marines, aboard of the fleet. This was done with the advice and consent of the parliament, or *witena gemote*: and the Saxon chronicle tells us, that the number of ships built and equipt the next year, by means of this imposition, was greater than any, that the English nation had ever furnished under any former king. Mr. Selden observes, that, according to a computation made in Camden's *Britannia* from rolls of that age, the number of hides of land in England did not exceed two hundred and forty three thousand, six hundred; which makes the number of ships obtained by this hidage seven hundred and eighty five. This ap-

Chron. Sax.
sub ann.
1008.

Chron. Sax.
sub ann.
1009.

V. Mare
claus. c. 11.

Chron. Sax.
sub ann.
1012.

Chron. Sax.
sub ann.
1018.

Ibidem, sub
ann. 1028.

Ibidem, sub
ann. 1039.

Chron. Sax.
sub ann.
1040.

parently was a fleet sufficient to have maintained the sovereignty of our seas against any other nation. Yet, by violent tempests and wicked treachery, it was soon destroyed; and the wretched expedient of compounding with the Danes was again taken up; which at last proceeded so far, that, in the year one thousand and twelve, the English nobility, after paying the tribute (though too late to prevent the enemy from over-running and subduing a great part of the kingdom) hired a squadron of Danish ships to guard their coasts against the attacks of other corsairs. All England being soon afterwards subjected to Canute, that prince, in the year one thousand and eighteen, dismissed all his Danish fleet, except forty ships, which he retained to secure his new-acquired dominions: but, in the year one thousand twenty-eight, he carried with him to Norway fifty-five ships of war, which his English Thanes provided for him, and by which he was enabled to conquer that kingdom. His son and successor, Harold Harefoot, who reigned only four years, laid a tax upon the English, to maintain constantly in his service sixteen ships of war, allowing eight marks to each rower, according to the establishment settled by Canute. His brother, Hardicanute encreased that number to sixty-two, with the same allowance to each rower; for the defraying of which there was paid, in the second year of that king, twenty one thousand and ninety nine pounds: but presently afterwards he reduced the number of ships to thirty two, and the charge to eleven thousand and forty eight pounds. In truth, it was not necessary that these Danish princes should keep any great naval forces for the defence of this island; as they themselves had the dominion of those northern countries, from whence the former invasions and descents had been made: and as no other power, then existing, could pretend to dispute with them the empire of the ocean.

Historians

Historians relate that Earl Godwin, to appease the anger of his sovereign, Hardicanute, for the share he had in the death of Alfred, that prince's brother, presented him with a ship, the beak of which was of gold, and which carried eighty soldiers, of whom every one had on each arm a golden bracelet, that weighed sixteen ounces; on his head an iron helmet, gilt with gold, as were also the other parts of his armour; on his left shoulder a Danish battleaxe, and in his hand a javelin: which circumstances I here mention, not so much on account of the richness of the gift, as to shew the number of soldiers that, in those days, served aboard of ships of war, and how they were armed. For it may reasonably be supposed, that this galley was equipt in much the same manner as others were at that time, except the peculiar magnificence of the gold in the beak and in the ornaments of the soldiers.

It appears from records, that danegeld was levied in the reign of Edward the Confessor, not to be paid to the Danes, but to oppose their invasions; and it seems to have been continued during the first eight years of that king, as a constant fund for his navy. We are told that he took it off, in the year of our Lord one thousand and fifty one, because he saw the devil dance on a heap of money collected by that tax: but Ingulphus, who mentions this ridiculous tale, only as a popular rumour, gives us a very good reason why the lands of the kingdom were then discharged of this burthen, namely, there being a great famine that year, which moved the king to remit it, out of charity to the poor. Yet it must be observed, that this *temporary* evil was no proper cause for abolishing a tax, which at other times might be necessary, *to all perpetuity*: and therefore I much doubt the historian's exactness in saying it was so abolished. Edward's successor, Harold,

V. Malmsh.
de gestis Reg.
Angl. i. ii.
c. 12. et
alios.

See Domest-
day Book &
Herming.
Chartul. vol.
i.

V. Ingulph.
p. 65. sub
ann. 1051.
edit. Gale.

V. Pictav.
sect. 2. p.
201.

drew together a fleet of seven hundred ships of war; and yet we do not find that any danegeld, or other similar imposition, was levied by that prince. This expence therefore must have greatly exhausted his treasury, and, together with the charge of his mercenary troops, will account for his having been so tenacious of the spoils he took from the Norwegians.

Chron. Sax.
sub ann.
1083.
Hoveden,
sub ann.
1084.

In the year one thousand and eighty three (or, as others say, eighty four) William the Conquerour, apprehending a great invasion of England from Denmark and Flanders, revived danegeld, and advanced it to six shillings a hide: but as it appears that many lands, which, under the Anglo-Saxon kings, had been charged with this tax, were exempted from it by him (on the subject of which exemption I shall say more hereafter) it is probable, that notwithstanding the augmentation of the charge, the produce was little more than had been obtained from former danegelds. We are told by

L. i. c. 11.

the author of the dialogue *de Scaccario*, which was written in the reign of Henry the Second, "that William the Conquerour would not revive this tax" (which, at first, had been exacted, upon urgent necessity, in time of war) *as an annual supply*; nor yet would he entirely give it up; but reserved it to answer extraordinary and unforeseen occasions: for which reason it was rarely taken by him or his successors, and only when actual wars with foreign nations, or the fear thereof, came upon them." It is not certain that dane-

Chron. Sax.
p. 156. sub
ann. 1040.

geld, or, as the Saxon chronicle terms it, *militare tributum*, was ever exacted by William Rufus. He imposed indeed a hidage of four shillings a hide on all the land of the kingdom: but it was not gathered, like the former danegelds, for the augmentation or support of the royal navy, or for the defence of the coasts, on any alarm of invasion, but to enable him to acquire the dutchy of Normandy

mandy in mortgage from his brother. I therefore consider this exaction as of quite a different nature, though, being levied from the lands of England, as danegeld had been, it was, inaccurately, so called. The aid to Henry the First for the marriage of his daughter, which he claimed as a feudal right, is said by some writers to have been raised by a land tax, after the rate of three shillings on every hide of land. But nothing can be more improper than to call this a danegeld, though Mr. Madox has cited an old manuscript chronicle, in which it is so denominated. Henry of Huntington mentions it, but without that appellation. Nevertheless it appears by the *great roll*, commonly called the fifth of King Stephen, but which Mr. Madox has demonstrated to belong to the reign of Henry the First, that it was collected six years together by that king, and accounted for in the same words that were wont to be used in accounting for the settled yearly revenue. Of Stephen's reign we have no rolls; but notice is taken, in some histories, of his levying of danegeld, which he had a good pretence to do, as he was in perpetual fear of invasions from Normandy, or other parts of France, in favour of Matilda or her son. We find by the rolls that it was paid in the first, second, twentieth, and twenty-first years of Henry the Second. The low state in which he found the fleet of England might make it necessary for that prince to continue this imposition till the third year of his reign; and the danger of an invasion from France or Flanders might naturally induce him to revive it in the twentieth.

What was the ordinary strength of the royal navy from the times of William the Conquerour to those of Henry the Second inclusively, or to what number of ships it was increased upon extraordinary exigences, we are not well informed. But it appears from a passage in the *Red book of the Exchequer*,

See Hist. of
the Excheq.
p. 475. c. 17.
V. Huntingt.
l. vii. f. 217.

V. Dissertat.
Epistol. de
Magno Rot.
Seaccarii at
the end of
Madox's Hist.
of the Exche-
quer.

See Hist. of
the Excheq.
c. 17.

V. Libr. Rubrum Scaccarii.

See also the argument of Sir F. Weston in the case of ship-money.

See Mr. St.

John's second day's argument for Mr. Hampden.

See Spelman's Gloss. DANEGELD

quer, that the *Cinque Ports*, during those times, were obliged by their tenures, to provide fifty two ships, and twenty four men in each ship, for fifteen days, at their own charges, to defend the coasts, when required. And not only these, but other maritime, and even some inland towns, held by the same kind of service. This seems to have been the constant support of the navy: but upon extraordinary occasions danegeld was levied: and, although at the end of that century the name was lost, a like provision was often made, in every age, by our parliaments, for the defence of the British seas and security of the kingdom.

See vol. i.

p. 59.

See also Sax.

Chro. p. 195.

sub ann.

1089. & H.

Hunt. l vii.

f. 213. sect.

40.

V. H. Hunt.

l. vii. f. 216.

sect. 50.

It has been mentioned in a former part of this work, that the English fleet in the channel did William Rufus good service against his brother; a great number of Normans, who were coming over to support the pretensions of the latter, having been destroyed in their passage, by the ships that guarded the coast of Suffex; which so intimidated Robert, that he durst not attempt another embarkation. A sufficient fleet was likewise sent by Henry the First, at the beginning of his reign, to oppose that prince in his passage between Normandy and England: but a part of it joined him; which enabled him to land without difficulty; and a peace being soon concluded between the two brothers, this island remained exempt from the invasions of foreigners, or any alarm of that nature, till the war excited against Henry by the son of Duke Robert obliged him again to provide for the defence of his realm, by a proper exertion and encrease of it's maritime power.

During the reign of Stephen the English navy declined much in its strength, and we cannot wonder that it did: for the long intestine war, which desolated the kingdom, ruined its commerce: without which it is impossible for any prince to maintain a naval power. This was restored, and, probably,

bably, augmented, by Henry the Second : yet it seems, that, till the latter part of his reign, he made no efforts to fit out any powerful fleets ; because, being master of almost all the French coast, and in close alliance with the earls of Flanders and Boulogne, he feared no invasion. For the kings of Denmark had given up all intentions of renewing their claim to England ; nor did their subjects or any other of the northern nations continue those piratical expeditions, which had been so troublesome to the English in former times. It seemed therefore unnecessary for Henry the Second to guard his coasts by great fleets ; and, being busied upon the continent, he chiefly turned his thoughts to the encreasing and strengthening of his land-forces, which he might better make use of, either to defend or enlarge his territories in France. Geoffry de Vinefauf tells us, that after King Richard the First had made himself master of Cyprus, when all his galleys were arrived in one of the ports of that island, the number of them, including five which he had taken from the Cypriots and added to his own, amounted to a hundred ; whereof sixty were superiour to the common armed galleys. And in another place he says, that a fleet so fine, and so well provided, had never been seen before. Besides the galleys, Richard had with him, when he sailed from the harbour of Messana in Sicily, a hundred and fifty great ships, which he used as transports. These, we are told, he had selected from all the shipping in the ports of England, Normandy, Poitou, and his other maritime territories. That most of the galleys were built before the death of his father I think very probable ; for they could not otherwise have been ready to put to sea in so short a time after. A manuscript chronicle, of the age of Henry the Third, cited by Spelman in his Glossary, says that fifty of these were *triremes*, viz. galleys of three rows of oars ; and that, among

C. 35.

C. 12.

V. Hoveden,
pars II. f.
393.V. Spelman's
Gloss. BussA.

the other ships, thirteen, distinguished there by the name of *busses*, carried, each of them, three masts. Upon the whole I presume, that the more numerous fleets, mentioned before in the English history, consisted of vessels much smaller than this of Richard.

V. Appendix
from Wilk-
in's Sax. Leg.
Judicia Civi-
tatis Loed.
p. 71.
See also Spel-
man's Conc.
& Remains.

There is a very remarkable law of King Athelstan, which says, that any merchant, who has made three voyges, upon his own account, beyond the British channel, or narrow seas, shall be entitled to the privilege of a Thane. This was a great encouragement given to commerce, and such, indeed, as it is very surprising to meet with in the history of so rude an age. Warlike nations, though infinitely more refined than the English were in those days, are apt to consider all trade, as rather dishonouring, than ennobling, those who carry it on: it is therefore no small indication of the good sense of King Athelstan and his *witena gemote*, or parliament, that they broke through this prejudice, and made nobility the reward of mercantile merit. It does not appear that the Norman kings adopted the same policy: but that under some of those princes, whose reigns are treated of in this work, England continued to enjoy a flourishing commerce, may be well inferred from the great quantity of money and plate contained in the treasury of William the Conquerour, of Henry the First, and of Henry the Second, at the time of their death. It has already been said, that, exclusive of the plate, the treasure left by William the Conquerour, in his palace at Winchester, amounted to sixty thousand pounds weight of silver in coined money; and that left by his son Henry to a hundred thousand. A contemporary writer likewise informs us, that, soon after the decease of King Henry the Second, Richard the First ordered an exact account to be taken, both in number and weight, of all his father's treasures, and found them amount to above ninety thousand pounds

in

See vol. i.
p. 56. & 165.

V. Benedict.
Abbat. de
vita Ric. I.
sub ann.
1182.
t. ii. p. 553.
edit. Hearne.

in silver and gold. Another says, that he caused all the treasures of his father, in silver and gold, to be weighed, and found that it greatly exceeded the value of a hundred thousand marks. It has been shewn before, that, in those days, one pound of silver contained about as much of that metal as three pounds do now, and that a mark was two thirds of the value of that pound. The wealth of the prelates and chief nobles of the realm was proportionably great; and they had also much plate and other rich ornaments, in their houses and wardrobes: nor did the piety of the times omit to decorate, in a most sumptuous manner, the cathedral churches, and those belonging to several convents, with crucifixes, shrines, and vessels, of gold and silver. These precious metals being rare at that time in Europe, so much of them could not possibly have come into a country, where the earth produced none, and which drew no supplies of them from the spoils or the tribute of any other nation, without a considerable balance of trade in its favour. Whether we had any exportation of woollen manufactures, during the times that I write of, I cannot absolutely affirm. But it appears undeniably, by the annual payments which they made to the crown, that there were many gilds of weavers in different parts of the kingdom. For example, in the fifth year of Henry the Second, the weavers of London stood charged in the Exchequer rolls with four marks of gold, on the farm of their gild for two years. In other years of the same king they paid twelve pence per annum. And there are records of like payments from the weavers of Oxford, York, Nottingham, Huntington, Lincoln, and Winchester, in that and the following reign. On which I find this observation, in a treatise written by the learned Sir Matthew Hale, "*that, in the time of Henry the Second and Richard the First, this kingdom greatly flourished in the art of manufacturing*"

"woollen

V. Hoveden.
Annal pars
II. f. 374.

See the
Notes to the
History of
the Revolu-
tions of Eng-
land at the
end of the
first volume
on the value
of money.
See Dug-
dale's Mona-
sticon, &
Baronage.

Madox's
Hist. of the
Exchequer,
c. 10.
p. 231.

See Hale's
Primitive
Original of
Mankind, p.
161.

“woollen cloth: but by the troublesome wars in the time
 “of King John and Henry the Third, and also of Ed-
 “ward the First and Edward the Second, this manu-
 “facture was wholly lost, and all our trade ran out in
 “wool, woolfels, and leather carried out in specie.” It

Hist. of the
 Exchequer,
 c. 13. p. 354.

is also observed by Mr. Madox, in his history of the Exchequer, that the cities of Worcester, Gloucester, Nottingham, Norwich, Bedford, and many other towns, paid fines to King John, *that they might buy and sell dyed cloth, as they were accustomed to do in the time of King Henry the Second.* This shews that both the *cloathing* and *dying* trades had then flourished, and had been free from some oppressions with which they were afterwards loaded. It is reasonable to suppose, that the Flemish colony, of which much has been said in this book, when they were dispersed over England, at their first coming from Flanders, in the reign of William the Conquerour, not only exercised the art of weaving, which before their emigration they excelled in, but instructed the English, and improved their manufacture. One may also presume, that when they were afterwards settled in South-Wales, upon the sea-coast, they addicted themselves to foreign traffick, and carried it on with the woollen cloths which they continued to make. Indeed this may be naturally inferred from the words of Giraldus Cambrensis, who, describing them as they were in the time of Henry the Second, calls them *a people most versed in woollen manufactures and merchandise, who, with any labour or danger, would seek for gain by sea or land.* Perhaps it was to encourage these manufactures, that the exportation of *wool unwrought* was loaded with a duty of half a mark on each sack.

Vide Itinera-
 rium Cam-
 bricæ, l. i.
 c. 11. p. 848.
 de Haverford
 et Ros.

V. Radevi-
 cum Fris-
 ingensem de
 rebus gestis
 Fred. impe-
 ratoris, l. i. c. 7

There is preserved to us, in a contemporary Ger-
 man historian, a letter from Henry the Second to
 the Emperour Frederick Barbarossa, which he sent,
 in the year eleven hundred and fifty seven, with
 magnificent presents, in return to an embassy and
 presents

presents of at least an equal value, which he had received from that prince, who desired to make with him a league of friendship and alliance. The king expresses therein his grateful acceptance of those overtures from the emperor, and, among other benefits, which would arise from that league, particularly mentions *the safety and freedom of commerce betwixt their respective dominions.*

A northern trade seems to have been a favourite object of the royal attention and care of Alfred the Great: there being inserted into the préface of a translation of Orosius, made by that monarch, an account delivered to him by two navigators, a Norwegian, and an Englishman, employed by his orders; wherein they describe, very sensibly, the coasts, the inhabitants, and the fisheries of the north, as far as to the utmost bounds of Norway and Finland. It is one of the most curious and valuable remains of our Saxon antiquities. Doubtless Alfred made advantage of the discoveries he had taken such pains to procure, by carrying on a very profitable trade with those countries. But one may reasonably presume that the English commerce to the North was further encreased in the reign of Canute the Great, to whom Denmark and Norway were subject. In the twenty seventh year of King Henry the Second a licence was given to export corn, from Norfolk and Suffolk, to Norway. And in the reign of King John a Danish merchant was allowed to have free traffick throughout the realm, on the easy condition of giving a hawk to that prince, as often as he came into England.

See Madox's
Hist of the
Exchequer,
c. 13. p. 323,
324.

After the Normans had established themselves in this island, it's trade to France became naturally more extensive than before; especially when Henry the Second, who held so great and so commercial a part of that kingdom, had gained a quiet possession of the throne of England. A principal branch of the imports, in the times of which I write, was foreign

Ibid. c. 18.
p. 527.

foreign wines, which were chiefly brought from France. It appears by the rolls, that in the fourteenth year of King John duties were paid to that prince for wines of Anjou, Auxerre, and Gascony, besides others there called by the general name of French. I also find, in that account, mention made of the wines of Saxony, which probably came into fashion among the English in the reign of Henry the Second, after the duke of Saxony had married his daughter. But it must be observed, that the limits of that dutchy were then extended to the Rhine; and therefore these wines might be Rhenish. William of Malmfbury tells us, “ that the city of London, in his time, was illustrious and eminent for the wealth of its citizens; crouded with merchants and factors from every land, but chiefly from Germany; and a store-house for the whole nation, in case of a dearth of corn or other provisions.” The same author says, “ that the port of Bristol was full of ships, from Ireland, Norway, and every part of Europe; which brought thither a great commerce, and much foreign wealth.” He likewise speaks of Exeter as a place of great traffick, to which resorted a great concourse of merchants and foreigners, at the time when he wrote.

Sir H. Spelman, in his code of the ancient statute laws of the kingdom of England, cites a passage from the chronicle of Battle-abbey, which says, that, by the ancient law or custom of the English, when a ship was wrecked on the coast, if those who escaped from it did not repair to it within a limited time, the ship, and all belonging to it, that was driven ashore, became the right and property of the lord of the manor. But that King Henry the First, abhorring this custom, made a law, to be observed throughout all his dominions, that, if but one man had escaped alive out of the wreck, the ship and its whole cargo should be given to him.

Yet

De gestis
pontif. l. ii.
f. 133. sect.
30.

Ib'dem, l.
iv. f. 161.
sect. 30.

Yet the chronicle adds, that this statute remained in force only during the life of the king who enacted it; for, under his successor, the nobles of the kingdom, paying no regard to it, restored the ancient custom, to their own benefit; of which the writer gives an instance in a shipwreck that happened upon one of the estates of the abbey. It seems that Henry the Second revived the law of his grandfather, and enforced it with severe penalties against offenders. For William of Newbury says, that, *out of his excellent goodness*, at the very beginning of his reign, he corrected a barbarous custom, which before had prevailed in his kingdom, with regard to wrecks on the coast; and, commanding the proper offices of humanity to be paid to all ship-wrecked persons, ordained grievous punishments against those who should dare to do them any injury, or take from them any of their merchandise or effects. I am very sorry to observe, that, notwithstanding this law, made so many ages ago, and other statutes enacted since, with a view to restrain this most inhuman barbarity, it still remains a foul reproach and disgrace to our nation.

By the statute of the 27th of Henry the Second, which is called *the assise of arms*, and of which I shall speak more particularly hereafter, the itinerant judges were commanded to publish, in their several circuits, an injunction forbidding, under the highest penalties to the buyer and seller, the selling to foreigners any English ship, or drawing away any seaman into foreign service; from which it is evident, that the king, when that statute was made, attended very carefully to the naval strength of his kingdom.

Having thus shewn, as far as we have any authentick information, the state of the English *marine*, from the days of Alfred, to those of Henry the Second, inclusively, I shall proceed to give likewise an account of the nature of the *land-forces* in England, during that course of time. It

V. Concil.
Easht. c. 22,
23.
Concil. Brit.
sub ann.
1009.
Spelman's
Remains,
Feuds, and
Tenures,
c. 8.

It was a fundamental law of the Anglo-Saxons, that all the lands of the kingdom, even those which were held by ecclesiasticks and women, were subject to three publick duties; the building or repairing of forts and castles; the building or repairing of bridges; and military service for the defence of the realm, called, in the Latin translation of the Saxon laws, *expeditio*.

V Hunting.
sub ann.
1008.
Annal Waverleien. sub
ann. 1083.

We are told by Sir H. Spelman, "that the whole land was divided, either by Alfred the Great, or some other precedent king, into two hundred forty three thousand six hundred hides, or ploughlands: and, according to this division, were the military or other charges of the kingdom imposed." A hide of land is defined, by H. of Huntington and the annals of Waverley, to be as much as a single plough could till in a year: but, according to others, it was as much as would be sufficient to support a gentleman's family for that time, and therefore could not consist of any determined number of acres, but must have varied in proportion to the nature of the soil. One of the laws of King Athelstan orders every plough, that is, every hide of land, to furnish two horsemen: an immense army according to the computation above-given of the number of hides in England! But if so many were at any time actually raised, (which I am apt to doubt of) it is certain that the constant militia of the Saxons did not amount to that number; and, except in the case of *beneficiary tenants*, the service they owed appears to have been restrained to the defence of the realm.

Vid. Leges
Athelstani,
Wilkins, c.
16.

After the Normans came in, a different kind of military policy was established. The lands of England (as Ordericus Vitalis informs us) were so distributed by William the First, *that the kingdom had always sixty thousand knights, ready to serve, at the command of the king, as occasion should require.* It must be

V. Ord. Vit.
l. iv. p. 52.

be observed, that, in this passage, and several others in the books and records of those times, the word *knights* must be understood to signify persons who held knight's-fees, not persons who had obtained the order of knighthood, concerning whom I shall have occasion to treat hereafter. Other ancient evidences make the knights-fees, during the times that I write of, *sixty thousand two hundred and fifteen*; of which number *twenty eight thousand one hundred and fifteen were possess'd by the church*. A knight's-fee seems to have been usually compos'd in those days of two hides of land, or of two hides and a half. Sir H. Spelman says, that a mesne tenant, who had more than a single knight's fee, was called a *vavassor*, which he thinks was a degree above knights: yet we generally find that name applied to any vassal, who held a military fief of a tenant in chief of the crown. Those who held of a *vavassor* were called *valvasini*, and each of these might, in like manner, enfeoff another, to hold of him by knight's-service; though, I believe, that the instances of so many gradations in this species of tenure were not common in the days of King Henry the Second. But it was still more unusual for a fief to be held of the crown without any subinfeudation. In the *Red book of the Exchequer* there is a remarkable answer to a writ, which was sent by Henry the Second to one of his tenants in chief, requiring him to certify, how many held under him by military tenures. The words are these: "Know, that I hold of you
 " *a very poor fee of one knight*; nor have I enfeoffed
 " any other therein, *because it is hardly sufficient for*
 " *me alone*; and my father held it in the same manner." Two other knights of the same county, who held in chief of the king, appear, by this record, to have had none who held of them by subinfeudation: but these instances were extraordinary; the far greater number of the military tenants in chief having many subvassals.

V. Selden's
 Titles of honour, part II.
 c. 17. p. 720.
 721, 722.
 Spelman's
 Gloss. FEUDUM, p. 218.
 See Spelman's treatise on Feuds and Tenures,
 c. 27.
 Madox's
 Hist. of the Exchequer,
 c. 15. p. 400, 401.
 See Spelman's Remains, Discourse upon Parliaments,
 p. 58, 59.

See Brady's
 Animadversions upon
 Jan. Anglor.
 Fac. Nov.
 p. 187.

" *Barony*

“ *Barony*, says Mr. Madox, *was knight-service enbaronied*, that is, knight-service enlarged and erected into a barony, or made a barony at it’s first creation.” Every nobleman was, therefore, by tenure a soldier : nor was his military duty limited only to service *within the kingdom* ; but he was obliged to serve *abroad*, at the command of the king, and not singly in his own person, but with such a number of knights, as he was able to maintain, by the several fees, of which his barony was composed. The spiritual barons indeed, out of a proper regard to their sacred character, were exempted from *personal service* ; but they were required to send knights, that is, military tenants, in proportion to the number of the fees they possessed, and even to foreign wars, when summoned by the king : whereas, by the Saxon constitution, their lands had been charged with no military service, except that which was laid on all for the defence of the kingdom, and which we find to have been, generally, but ill performed on their part.

See the Appendix to the first volume. & Leg. Gul. I 58. Wilkins & Lambard.

By a law of William the Conquerour, all earls, barons, knights, squires, and *all the freemen of the kingdom* were ordered to keep themselves well and properly furnished with arms and horses, *for the performance of the duties their tenures required*. The *freemen* here-mentioned I understand to have been all who held their lands by any kind of military service ; but not to include the tenants by free socage, or other free tenures which were not of a military nature : as that appellation certainly does in some other ancient laws. There is one of the same king, by which it was enjoined, “ that *all freemen* should engage, by a solemn confederacy, or association, “ that *both within and without the realm of England*, “ *which in ancient times was called the kingdom of Britain*, they would be faithful to King William, “ their lord, and assist him *every where*, with all fidelity, to keep his territories and dignities, and de-

See Appendix, vol. i. & Wilkins, & Lambard Leg. Gul. 52.

“ send

“*send them against enemies and foreigners.*” This oath, which seems calculated to take in the defence of William’s *foreign dominions*, was an extension of the ancient law or custom of the nation, by which all the landholders were bound to the defence of *the kingdom*, and laid upon them a burthen, which no rules of good policy or legal subjection could justify, if we understand the term, *freemen*, to signify here any others than the military tenants. But, in the case of invasions, *the common law of the land* continued undoubtedly to oblige, not only those tenants, but all the other freeholders, to assist in repelling and driving out the invaders. During the government of the Saxons (if we may believe what is said by the compiler of some laws ascribed to Edward the Confessor) the militia of every county was commanded by an annual officer, called *beretoch*, who was chosen into that office, by all the freeholders, in the folkmote or county court. Sir H. Spelman supposes, that, after the Normans came in, this command devolved to the earl. And there is great reason to think, that the military power of every county was principally in the earl, during the times of which I write; though it was occasionally exercised by the sheriff or viscount. But, whether even the Saxon *beretoch* was not subordinate to the earl, in his military functions, appears to me very doubtful. The great antiquary above-cited is himself of opinion, that the rank of this officer was inferior, or, at most, equal to that of the sheriff or viscount. And our ancient history shews, that, where the king was not in person at the head of his army, the commander in chief, or general, was almost always an earl, as well during the Saxon government, as for more than a century after that period. But the Saxon earldoms were not *hereditary fiefs*, as they were made by the institutions of William the First. According to the system then established, it seems that, under the earl, or the viscount, the barons, and

V. Leges
Edwardi
Confes. Wil-
kins, c. 35.
de Heroto-
chiis.

V. Glossar.
COMES, p.
141.

V. Glossar.
HERE-
TOCH, p.
288, 289.
& Holdes;
p. 294.

the inferior military tenants of the king, commanded respectively their several vassals; and these being also *hereditary chiefs*, the aristocratical power in the military policy of this kingdom was much encreased. As, by the Norman establishment, every knight's-fee was required to furnish a horseman, the cavalry produced by these tenures, supposing it complete, was above sixty thousand; and all these were armed from head to foot, in the manner before described. But it must be observed that there was then a species of soldiery called in the charters and histories of those times *servientes*. Some of these performed their duty on horseback, and others on foot. It likewise appears by the rolls, that in the reign of King Edward the First knight-service was done by the knights themselves who were summoned, or by two *servientes* in the place of a knight. Another record informs us, that, in the same reign, the bishop of Hereford did his service for five knights-fees, in the king's army of Wales, by two knights, and six esquires (*armigeros*) for the other three fees. From whence it may be inferred, that *servientes* and esquires were synonymous terms. Yet in some other records we find them distinguished; as Mr. Selden has shewn in his very learned treatise on Titles of honour. Mr. Petit and Dr. Brady cite a record of the sixth year of King John, wherein it is ordered, that nine knights through all England should find a tenth, well provided with horse and arms for the defence of the kingdom, *and allow him two shillings a day for his wages*. Whereupon the Dr. observes, "that two shillings a day was then equivalent to at least thirty shillings a day now, and therefore he that had this allowance went forth in a good equipage, and maintained without doubt several soldiers, *servientes*, or *esquires*, with it, &c." I likewise find in Fitz-Stephen, a contemporary historian, that in the war of Toulouse the knights of Becket's household, who were no fewer than

See Spelman's Gloss.
sub ann.
1173. Ibidem, in Ric.
I. p. 749.
c. 44.

V. Madox
Baron. I. i.
c. 5. p. 94.

V. Brady's
answer to Petit,
p. 123.

than seven hundred, received three shillings a day of the money of that country, to provide for their horses and esquires, (*ad equos et armigeros.*) Nevertheless, it is certain, that, in the ordinary course, the military tenants were to serve forty days, at their own charges; and if the service continued longer, it was to be, afterwards, at the charge of the king. By the charter of Henry the First the demesne lands of all vassals who held by knight's service were freed from all gelds and taxes; and the reason given for it is, *that, being eased of this burthen, they might be able and ready to serve the king, and defend his kingdom.* Sir H. Spelman takes notice, "that, according to the old Norman *Coutumier*, "whoever possesseth a *fief de haubert*, which was a knight's fee of the highest dignity, was bound to serve in the *ban* or *arriere ban*, with complete armour; that is (says he) with a horse, a coat of mail, a shield, a spear, a sword, and a helmet, for the space of forty days, within the limits of the kingdom; which, by succeeding kings was extended to three months within, and forty days out of the kingdom." In the second year of King Richard the Second the commons said, *that they ought not to bear foreign charges.* The king's answer was, "that Gascony concerned the kingdom of England; for that it was as a bulwark to the kingdom of England." I do not find that the parliament disputed this point in the reign of Henry the Second; but to say the truth it was a question more frequently determined by the humour of the times, than by any fixed rule of law or policy.

Knights-fees were often divided; so that many of the military tenants in chief had but a fourth part of such fees; nay, it appears by a record, which I have cited before, that some such tenants, in the reign of Henry the First, had only an eighth part, and one, who was enfeoffed after the death of that king, had only a twentieth. These small

See Sir G. Crooke's Argument in the case of ship-money, State Trials, p. 621. Ibid. p. 639. Writ 15. Johan.

V. Chart. H. I. in Appendix. V. Spelman's Gloss. FEUDUM, HAUBERTICIUM, p. 219.

See State Trials, vol. i. p. 538. Sir Edw. Lyttelton's Argument in the case of ship-money.

Lib. Rub. Scaccarii. See also Brady's Animadversions upon Jani Anglor Fac. Nov. p. 185, 186.

See Lyttel-
ton's Te-
nures, sect.
112. c. 4.

tenancies, I presume, arose from the desire of holding in chief of the crown, though by ever so poor a fief, on account of the honour and superiour protection annexed to that tenure. A vassal who held by the moiety of a knight's fee was bound to serve but twenty days; and so in proportion. Several tenants were enfeoffed with one or more knights-fees, *and part of another*; which may have happened from the convenience of such *part* being situated near to the lands, of which the entire fee or fees consisted.

See Froissard.

Archers were drawn from the yeomanry, and seem to have served on foot, as attendants on the vassals who held by knight-service, and at their charge; or, sometimes, under the pay and at the charge of the king. But though they were accounted the lowest order of military men, they made, for many ages, a very considerable part of the strength of the kingdom; most of the victories won against the French or the Scotch having been principally owing to their valour and skill.

See Lyttel-
ton's Te-
nures, l. ii.
sect. 13.
Coke's Insti-
tutes, note
to sect. 3.
See State
Trials, vol.
i. p. 498.

One species of knight-service was *castle-guard*, differing from it in nothing, but that whoever held by that tenure performed his service *within the realm*, and *without limitation to any certain term*. Mr. St. John says, in his argument on the case of ship-money, that the tenants by castle guard were eleven thousand. He likewise shews from some records, that the castle of Dover, as being the key of the kingdom, had near two hundred tenures by castle-guard, besides several more for the keeping it in repair; and that, in time of war, the king used to maintain in that fortress one thousand foot, and one hundred horse. These soldiers, I presume, were over and above the two hundred who were bound by their tenures to defend it, and who, probably, performed their service by a large number of subvassals. The counties of Cumberland, Westmorland, and Northumberland, on account of their neighbourhood to the Scotch, the perpetual enemies to the

the English, were full of tenures by castle-guard, and likewise by *cornage*, which tenure obliged the tenant to give notice of the enemy's coming into the country, by blowing a horn. Such was the general provision made by the feudal system for the defence of fortified places. About the end of the eleventh, or the beginning of the twelfth century, a new kind of militia was established in France, for the security of the principal cities. By the charters granted to them communities were erected, which had a power to levy forces; and a determined number of citizens was required to be enrolled in every parish, and to march under the banner of the church they belonged to, in case of any attack on the territory of the city, and for the repressing of seditions, and outrages of all kinds, within the limits thereof. These were to be called out, at the command of the bishop, or of the chief citizens: but, in extraordinary exigences, when the state was concerned, the king had a power to order all the inhabitants, who were capable of bearing arms, to march in his service: on which account many privileges and franchises were accorded to such corporations by the crown. It likewise appears, that some gentlemen, in the neighbourhood of these cities, incorporated themselves with them, and made a part of their force. Father Daniel observes, that this establishment past from the demesne of the king of France into those of his greatest vassals, the dukes of Burgundy, *the dukes of Normandy*, and several others. I also find, that, before the reign of Stephen, it had been introduced from Normandy into England. For in a passage, of which I took some notice in the history of that reign, mention is made by William of Malmshury of the *community* of London, and of some barons *who had been admitted into it a good while before*, that is, I presume, in the reign of Henry the First. Besides reasons of *police*, and a desire of maintaining the publick tranquill-

V. P. Daniel
Hist. de
France sous
Louis VII,
p. 243, 244.
Hainault
Abegé
Chronologi-
que, t. i. p.
139. t. ii. p.
751, 752.
P. Dan.
Hist. de la
milice Fran-
çoise, l. iii.
c. 3.

V. Malmsh.
Hist. novor.
l. ii. sect.
10. f. 106.

lity, this institution had a view to make the town-forces a check on those of the barons. It was a popular militia opposed to the aristocratical. But it does not appear that, in England, the bishops or lower clergy, had any power to order, or call it out.

Some account has already been given in this book of a pecuniary commutation for personal service in foreign wars, called *scutage*, or *escuage*, which appears to have been first introduced into England by King Henry the Second. At the beginning it was only allowed to the spiritual barons, and their military tenants, in a war with the Welch. But, on the occasion of Henry's expedition against Toulouse, it was further extended to all the inferiour tenants in chief, and to almost all the subvassals who held by knights-service; because the inconvenience of going so far from their country would have been to these very grievous. It was afterwards taken in like manner, not only for wars beyond the sea, but against Wales or Scotland: neither was it denied to the greater vassals of the crown (as it had been at first) unless by their summons they were expressly commanded to follow the king in person, or held some office by *grand sergeanty*, which required their attendance. What this tenure was will hereafter be more fully explained. But, with regard to the liberty of commuting for the duty of personal service, by *scutage*, or *escuage*, it cannot be denied, that it was a great variation from the first intention and policy of military fiefs, and opened the way to greater in process of time. It appears from the rolls, that, in the ninth year of Edward the Second, some who held by knight-service, not originally of the crown, but of an honour or manor escheated to the king, claimed a right to be discharged from serving in person, *being only bound to pay scutage*; which plea was allowed. And Sir Robert Cotton, after relating a summons sent by Richard the Second

V. Trin.

Brev. 9 Edw.
II. Rot. 58.

2 Brev. 12
Edw. II Rot.

76. Madox's
Hist. of the
Exchequer,
p. 454. c. 16.

See Cotton's
answer to the
reasons for
foreign wars,
p. 46, 47.

cond in the third year of his reign, which commanded that all those who held by knight-service should properly fit themselves out with horses and arms, in order to attend him in a war, concludes with these words: " But these the courses of elder
 " times were about this time much altered, and
 " the king, for the most part, was supplied in his
 " wars *by contract with the nobility and gentry, to
 " serve him, with so many men, and so long, and at
 " such a rate, as he and they by indenture accorded.*"

This alteration, which appears by the evidence of many records, produced *another kind of militia* in England, unknown to the times of which I write. Indeed the practice varied much in different ages; though it is plain, from our law-books, that the principle of knight-service, due, by the nature of the feudal policy, from all the possessors of military tenures, remained much the same, from the reign of William the First to that of Henry the Seventh; nay, even till Charles the Second abolished those tenures.

See Bracton,
 Fleta, &
 Lyttelton's
 Tenures.

In the latter part of this history I shall have occasion to mention a new regulation, made by Henry the Second, for the better arming of the whole people, except only the slaves, who were accounted no part of the body politic, or civil community.

It cannot be denied that the tenures introduced by the Normans gave much strength to the kingdom. Without the inconvenience, expence, and danger to liberty, attending a *standing army*, forces sufficient to guard every part of the country, and, when occasion required, to serve the crown in foreign wars, were always kept up, on a legal footing, and necessarily connected with the civil constitution. All the gentry were soldiers paid and maintained by the lands they held; as they likewise paid and maintained those freeholders of an inferior rank, who held knights-fees under them. Nor could this

strength ever fail, as that of a mercenary or stipendiary army must at some times, by the wealth of the state being consumed and exhausted; but continued as fixed as the lands disposed of in this manner, and ever ready to oppose either foreign invasions or intestine rebellions. I may add too, that it was equally fitted to resist any tyranny in a king, being wholly composed of those men, who, by their property in the realm and their rank in the state, were most interested to guard the liberty of the subject against the crown. But then the great power, which the military tenures gave to the barons, often enabled some ambitious and turbulent spirits unnecessarily to disturb the peace of their country, to throw off all subjection and loyalty to the king, and even to become more insupportable tyrants themselves, within the bounds of their small dominions, than the most absolute princes in monarchical governments; with this difference only, that it was no easy matter for any of them to exercise their tyranny long without being checked, and brought to justice, by the power of the crown, supported by that of other barons, their peers: whereas, in absolute monarchies, the constitution affords no remedy against the despotism of the prince. On the other hand the force of *union*, in which consists all the energy of monarchical states, was wanting in this, or, at least, was never found in it, but under the government of very able princes. Indeed the whole policy of the military tenures was much better adapted to the purpose for which they originally were formed, viz. to maintain conquests made in countries not wholly subdued, or exposed, by their situation, to continual wars, than to procure that *tranquillity*, which is the principal benefit derived to mankind from order and government, and without which no improvement of civil society can be advanced or supported.

If we compare the constitution established here by the Normans with that of the Anglo-Saxons, the greatest difference between them will be found to arise, from many estates, which were *alodial*, being made *feudal*, and from others, which approached the nearest to fiefs, and were indeed of a feudal nature, but *not lands of inheritance* being rendered *hereditary*, and, in consequence of that change, subjected to burthens, to which they had not been liable in their former condition. Spelman has proved undeniably from several charters, that the hereditary estates of the Saxon nobility and gentry, called by him *thaneland*, which he speaks of as synonymous to *bocland*, or *charterland*, were alodial, and not subject to any feudal service. But then he owns, that both the greater and lesser Thanes might have, and, in fact, frequently had other lands of a feudal nature, and holden by military service, yet not like the Norman feuds, being granted only at will, or for a certain number of years, or, at most, for life or lives; in which they resembled the lands of the vulgar, called *folkland*. And such grants were called *benefices*, a term expressive of their nature, which by later usage has been confined to clergymen's livings. These *benefices* were made *hereditary fiefs* under William the Conquerour, and most of the *bocland* was converted into the same kind of tenure. If we consider this change with regard to the possessors of *bocland* alone, it seems very clear, that, abstractedly from the privileges annexed to the possession of feudal lands, they were great losers by it: for, whereas, they had before an absolute property in their estates, which they had even a power to dispose of by will, they now held them of the king, or of some *mesne lord* under him, inalienable, and limited to their eldest sons after them; besides the obligation imposed on them and their heirs, to submit to certain methods of acknowledging their dependance on the lords of their fiefs, which were very uneasy

to

v Spelm. on
Feuds and
Tenures, c.
5.

Ibidem, c. 9.

Ibidem, c. 9.
p. 12. c. 10.
p. 22.
Ibidem, c. 12.

Ibidem, c. 3.
p. 7 & 9.

Ibidem, c. 5.
& 23.
See also
Somner 84.
post. lib. ii.
c. 5.

to them, as will be shewn more particularly hereafter. But, with regard to the possessors of *beneficiary estates*, the change was advantageous: for, however disagreeable those burthens incidental to their new tenure might be, the *perpetuity* of their fiefs, thus acquired and confirmed to them and their families, made them ample amends. When, therefore, the same persons had estates of both kinds, the alteration made in the *hocland* was compensated by the inheritance obtained in the *benefice*: and there is reason to believe that this was the case with many of the English. As for the Normans, or other foreigners who came over with them, they certainly thought it no grievance, to hold the lands, that were so liberally given to them in England, on the same terms as their estates were held by them in Normandy, or other parts of the continent, where *the strict feudal policy* had before taken place. From the reign of Charles the Bald to that of Hugh Capet, the alodial lands, in all the provinces of the French monarchy, had been gradually changed into fiefs, and the benefice, or temporary fiefs, made perpetual. The last of these princes completed this important alteration, by an universal and legal establishment of it, about the year nine hundred and eighty eight. Even the subvassals, or vavasors, called in French *arriere-vassaux*, obtained the same perpetuity in their feudal estates, as those who held of the crown. Nor was this concession the mere effect of a weak and timid complaisance in the crown to it's vassals, or in those vassals to their's, as some writers have supposed; but arose at first from a desire of encouraging those, who held by military service, to fight with more alacrity, and hazard their persons more freely, than they would have done, if the consequence of their dying in battle had been the loss of their lands to their families. This gave a beginning to hereditary fiefs; and it was natural, that, when once such grants had been made,

See the capitularies of Charles the Bald.
See also
l'Oyseau
& Pasquier.

V. Crag Jur.
Feud. l. i.
tit. 4. sect. 6.

made, they should prevail more and more; other persons, who thought that they had equal pretensions, and of whom the same services were required by their lords, demanding from them the same encouragement, especially on the breaking out of any great war; and the same reasons of interest inducing the lords to comply with such demands. Hugh Capet, who owed his crown to the favour of the nation, could not, with prudence, resume any fiefs belonging to it, which the noble families had retained beyond the original term of their grants (as many had done in the times of his predecessors) nor refuse to put other beneficiaries of the crown on an equal footing with these; nor deny to his vassals the liberty of giving or confirming to those, who held of *them*, as lasting a tenure in their lands, as they themselves had thought it reasonable to demand from the crown, in the estates they held *in chief*. *The mode of the times* (as often happens) made *the policy of the times*; and what at first was considered as a *favour*, grew into a *claim*.

From the perpetuity of fiefs, thus established in France, and in many other nations, where the same motives operated both on the kings and the nobles, were naturally derived those feudal rights, which produced in Europe a new system of property and of laws. It appeared very just, that some compensation should be given to the lord, for losing the power which he before had enjoyed, to dispose of his lands, on the determination of the grant; and from hence arose the payments made, on the death of the vassal, by the heir, which in the law-term are called *reliefs*. The treatise ascribed to Glanville, and which, I doubt not, was composed by the immediate directions of that great lawyer, who was chief justiciary of England under Henry the Second, tells us, that the relief of a knight's fee was then fixed at a hundred shillings, and of lands held in socage at a year's value, by the custom of

V. Glanville,
l. ix. p. 71.
c. 4.

of the kingdom; but that, with regard to baronies and to serjeanties, there was no determinate rule of law; those who held by such tenures satisfying the king, for the relief due to him from them, at his discretion.

The perpetuity given to fiefs produced also the right of *wardship*. For it was thought proper, that, if the heir to a barony or knight's fee was a minor, the lord should have the custody of the lands of his fief, with the profits thereof, during the time of the nonage, lest they should be endamaged; and also that he might take the necessary care, that the military service, in consideration of which the fief was originally bestowed, should be duly supplied. In the last of these points the interest of the state was equally concerned with that of the lord. And, together with the custody of the lands, that of the person of the minor was assigned to the lord, in order that he might carefully train him up in the knowledge and use of arms; which likewise was a matter of great publick concern. The feudal age of majority for a man who held by knights-service was twenty one years; because till then he was thought incapable of performing his duty. If the heir to such lands was a female, her lord had the custody of her person and lands, till she was fourteen years old; at which time, it was supposed, she might have a husband, able to perform the services due for the fief she inherited.

But these feudal rights, however agreeable to the principles of that policy, were given up in the charter of King Henry the First, by which, if a vassal died, and left a wife and children, the custody both of the lands and children was assigned to the widow, or to the nearest relation. This concession, I presume, was made by that monarch, chiefly to gratify his English subjects, who, not having been used to these customs of the strict feudal policy, were more displeased with them than the Normans, who brought them into this kingdom. Nevertheless

See Spelman's Gloss.
WARDE
Crag de Jure
Feud. l. ii.
tit. 20. sect. 3
Fortescue de
Laudib. Leg.
Ang. c. 44.
Selden's
notes on Fortescue.

See Lyttelton's Tenures, l. ii. c. 4.

See Charter of H. I. in the Appendix.

less we are told by Glanville (for I will venture to call him the author of the abovementioned treatise) that, in his time, the lord had the custody both of the heir and the fief, but under an obligation not to alienate or waste any part of the lands, and to give an honourable maintenance to the heir, in proportion to the greatness of his inheritance; and also to pay the debts of the deceased, in such measure, as the value of the estate and the time of the custody would admit. Nor did the barons, in their demands delivered to King John, desire a restoration of the grant of Henry the First in this instance; but admitted the right of the lord to the custody of the minor's person and lands; which is also confirmed by *Magna Carta*, with only such regulations, as were necessary to prevent an abuse of the trust, being nearly the same with those that are mentioned by Glanville. In all probability, some statute, now lost, had been enacted in the reign of King Henry the Second; to give this right to the lord, agreeably to the custom and practice in Normandy, and, indeed, to the clear principles of the feudal policy itself.

V. Glanville.
l. ii. c. 9.

V. Articuli.
Magnæ Cartæ et Magnam Cartam
Blackston's
Edition.

According to Glanville, a female heir, though of full age, was to remain in the custody of her lord, till her marriage, to which his concurrence and advice were requisite; *because* (says that author) *by the law and custom of the realm, no woman who inherits land can be married, without being disposed of by her lord, or having his consent.* By *land* in this passage he means land that was held by military service: for he had said before, that the heirs of *tenants in socage* ought to be in the custody of *their nearest relations.* What *socage tenure* was will be hereafter explained.

V. Glanville,
l. vii. c. 12.

Ibidem, c. 11.

It is said in the charter of King Henry the First, that, if any baron, or tenant in chief of the crown, was inclined to give his daughter, or *sister*, or *niece*, or *kinswoman*, in marriage, he was to speak with the king

See the
Charter in
the Append.

king about it, who promised *not to take any thing for his consent*, and not to refuse it, *unless the match proposed was with one of his enemies*.

It must be understood, that the *sister, niece or kinswoman*, here mentioned, was the next heir to the fief; for otherwise it does not appear that, in virtue of any feudal right, the king could be entitled to interfere in her marriage; but in such a case it was thought reasonable that his consent should be asked, not only in a minority, but even in the life-time of the father, or other near kinsman. And the same power that the king had over his tenants, they had legally over theirs. Glanville affirms, "that if any

V. Craig, l. ii.
tit. 2 l. sect. 4.

V. Glanville,
l. vii. c. 12.

"man, having only a daughter, or daughters, to inherit his fief, marries her, or them, in his life-time, without the consent of his lord, he thereby forfeits his fief for ever, *according to law and the custom of the kingdom*; so that he can recover no part of it, unless by the clemency of his lord." for which he gives this reason; because, as the husband of any female heir is bound to do homage to the lord of the fief for his holding, the good will of the lord, and his consent to that act, ought first to be asked, lest he should be compelled to receive homage for his fief from his enemy, or from any other improper or unqualified person." This appears to extend equally to all kinds of fiefs for which homage was done, as to those that were held by knight-service. But it was more peculiarly necessary in the latter; *lest* (as

V. Craig, l. ii.
tit. 2 l. sect. 4.

a great writer on feudal law has expressed it) *the fief, which was given for the defence and service of the lord, should be used to annoy him*. And the same reason was applicable to widows, if they married again. Indeed King Henry the First declares in his charter,

See the
Charters of
King John
and Henry
III, in
Blakeston's
edition.

that he will give no widow in marriage against her own inclination: and the charters of King John and Henry the Third forbid the forcing of any widow to marry again; but oblige her to give security to the king,

king, if she holds of him; or to her lord, if she holds of a subject, that she will not marry a second husband without his consent. Yet it was the sense of the law, (as we learn from Glanville) that an heiress, who had once been lawfully married, if she became a widow, was not to return into the custody of her lord; though, if she made a second marriage, she was under the same obligation as before, to ask his consent. In the charter of King Henry the First it is said, that if, upon the death of one of his barons or other tenant in chief, a daughter is left to inherit the estate, *in disposing of her he will take the advice of his barons*. But it does not appear from Glanville, that *such advice* was thought necessary in the time of Henry the Second: nor is any mention made of it in the articles delivered to King John by the barons, or in the great charter of that prince, or in those of his son. It was indeed an obligation which could not be adhered to without extreme inconvenience; and I doubt not that it had been abrogated by some statute, now lost, before Glanville's book was written. It is remarkable, that, neither in that treatise, nor in the charter of King Henry the First, is it said, (as it is in the demands the barons made to King John) that in the marriage of heirs *the advice of their relations ought to be taken*: nor (as it stands in his charter) that, before the marriage shall be contracted, *notice is to be given of it to the kindred of the heir*. But, on the other hand, we do not find in the charter of Henry the First, nor is it mentioned by Glanville, that either the king or the barons claimed a right to interfere in the marriage of *heirs male*, even while under wardship. Indeed the reasons, which are given by Glanville, for that feudal power, in the case of female heirs, do not hold in the case of males. Yet it was afterwards thought that, in regard to the connection between them and their lords, which by writers on the feudal law is con-

V. Glanville,
l. vii. c. 12.

See the
Articles in
Blackstone.

V. Craig de
Jure Feud.
l. ii. tit. 20.
sect 3. &
tit. 21. sect. 2.

sidered

sidered as superior even to the nearest relations of blood, the advice and the consent of their lords, in an affair so important as their marriage, ought to be asked; and the rather, as from the influence of a wife over the mind of her husband, it might naturally be presumed that the interest of the lords was not a little concerned in the matches made by their vassals. It also appears from the great rolls, that even in the reign of Henry the First fines were paid to the king by his male tenants in chief, for leave to marry; and by widows, to be at liberty not to marry for a certain time, or not to marry at all, against their liking. This was contrary to his charter; and the same evidences attest, that such fines were paid by widows to Henry the Second, though he had confirmed that charter. Under what colour this was done I am not able to discover; but the right of widows not to be forced to marry again was reasserted by all the charters of King John and Henry the Third.

The law was careful to forbid any disparagement in the marriage either of male or female heirs, by which was understood, not only the marrying of them to persons of much inferior birth and condition, or any way infamous; but also to any who were lame, or greatly deformed, or incapable of having children; or who had any bad infirmity of body or mind. Glanville likewise delivers it as a rule of law in his time, that if a vassal asked his lord's permission to marry his daughter, being an heiress, to any person, the lord was bound, either to give it, or to shew a just cause for which he ought to refuse it: otherwise she was at liberty to marry herself, even against his will by the advice of her father, and according to her own inclination. He tells us also, that it was a duty incumbent on the lord, to offer a proper match to a female ward in his custody, as soon as she was of an age to marry, and also to pay her a reasonable portion. These regulations,

V. Madox's
Hist. of the
Exchequer,
p. 322, 323.
& Dissert. E-
pistolæ de
Magno Rot.
Saccarii, in
sine Hist.

See Lyttel-
ton's Ten-
ures, l. ii. sect.
106, and
notes, and
sect. 109.
See also
Craig de Jure
Feud l. ii. tit.
21. c. 8, 9, 10.
V. Glanville,
l. vii. c. 12.

regulations, and the profit given, by a feudal custom in these times, to the king and inferior lords, on the marriage of their vassals, conduced to promote propagation and the encrease of the people; for it is probable that few remained long unmarried: but great abuses attended this part of the feudal system, which indeed, in itself, was grievous; and one of the happiest changes made in our constitution, by the wisdom of later times, has been the delivering of ourselves from so heavy a yoke, and the recovering of that independance, with regard to the disposal of our persons in marriage, which our Saxon ancestors had enjoyed; and which, if exercised with a due respect to *parental authority*, is one of the most valuable branches of natural liberty.

Glanville takes notice of only three kinds of *aids*, v Glanville; l. ix. c. 8. which the feudal lord had a right to demand from his vassals. One was, to assist him in paying the relief he owed to the king, or any other lord of whom he held his estate; but this was to be done with moderation, according to the greatness of the fiefs and means of the vassals: another was, to contribute towards his expence in making his eldest son a knight; which ceremony was performed with great pomp in those days: and a third was to help him in the charges of marrying his eldest daughter: but this was not to be paid a second time. The first of these feudal dues is abolished by king John's

Magna Carta, as well as all other aids not granted by parliament, except the two last, and one not mentioned by Glanville, viz: an aid from the vassals to pay the ransom of their lord, if he was made captive. This naturally arose from the principles of the feudal connexion: but it appears from Bracton, that, in Henry the Third's time, the others, al-

See K. John's Charter in Blackston's Edition.

lowed by the charter of King John, were supposed to be paid by the vassals, rather as marks of goodwill and affection to their lords, than as proper concomitants of the service they owed. Glanville, on

v Bract. l. ii. c. 16. sect. 8.

the contrary, considered them as due by their tenures. But, both by that author and in the charter, it is said, that they ought to be taken in *reasonable proportions*.

L. ix. c. 8.

Glanville makes it a question, whether the feudal lord could demand an aid of his tenants for the support of his war? And resolves it by saying, that he could not *distrain* for such aid: but they might *give it, as a benevolence*, and out of affection to their lord: whereas he considers the aid *of relief*, as a *due*, for which the lord, in virtue of his fief, had a legal right to distrain.

V. Glanville,
l. ix. c. 4.
V. Cart. John
& Hen. III.
in Blackes-
ton's Edit.
Art. 3.

It must be here remarked, that reliefs were only paid by those heirs, who were of full age, when they succeeded to their fiefs; not by those who had been under the custody of their lords. And the reason of this was, that the profits of the custody were deemed a sufficient recompense to the lords of those fiefs for renewing them to the heirs of their tenants. Upon the death of a vassal, who held military fees under several lords, reliefs were due to them all from the heir; but the custody of his person belonged to that lord, whose grant was prior to the others. Yet, if it happened that one fief was held of the king, and others of other lords, the custody belonged to the king. And the same rule was observed with regard to the obligation of consulting the lord on the marriage of the ward, not only (says a very able writer on feuds) because the king could have no equal; (which is the reason assigned for it by Glanville) but because he is *the most ancient lord of all fiefs*, the original grant and investiture of every fief having been given by *him*. Notice is taken by Glanville, that, in his time, it was usual for the king to commit to others the custody both of the persons and lands of his wards, either under an account to him for their wardships, or without account, in the nature of a *beneficiary grant*. And,

V. Glanville,
l. vii. c. 10.

V. Craig, l.
ii. tit. 21.
sect. 5.

V. Glanville,
l. vii. c. 10.

undoubt-

undoubtedly, inferior lords did the same. It likewise appears by the great rolls, that the wardships of the crown were *sold* by King Henry the Second: and mention is made of that practice, without any blame, in the charters of King John and Henry the Third.

See Madox,
c. 10. p. 221.
Hist. of the
Exchequer.

Upon the decease of a vassal the heir was obliged to do homage as soon as he conveniently could; it being necessary, in order to preserve the memory of the tenure, that every new tenant should, at his entry, recognize the interest of the lord in the lands for fear that, the feud being hereditary, and new heirs continually succeeding to it, they might, by degrees, forget their duty, substract their services, and, in process of time, deny the tenure itself. The lord, on his part, was bound to receive the homage owing to him, before he could be legally entitled, either to a relief, if the heir was of full age, or to the custody of his person and land, if he was a minor; unless such minor was of too tender an age to perform it, or the lord had a good reason to justify his refusal or delay to accept it.

See Spelman
on Feuds and
Tenures, c.
20.

V. Glanville,
l. iv. c. 4. 6.

Homage was done by the vassal on his knees, unarmed and bare headed, and holding both his hands between those of his lord, who was sitting: which ceremonies denoted (according to Bracton) on the part of the lord, protection, defence, and warranty; on the part of the tenant, reverence, and subjection. In a statute of the 17th of Edward the Second there is set forth the form of words to be used by the vassal, when homage was done to a subject. He was to say, "I become your man, from
" this day forward, of life, limb, and earthly honour; I will be true and faithful to you, and
" bear to you faith for the lands I hold of you,
" saving my faith to our lord the king and his
" heirs:" which agrees with the account given by Glanville of the form that was used in his time. After the vassal had said this, he was to receive a

V. Bracton,
l. ii. c. 35.

V. Glanville,
l. ix. c. 1.

V. Spelman's Gloss. Ho-
MAGIUM.
Ibid. FIDE-
LITAS.
Statut. 17
Edw. II.

kiss from his lord, and then rising up was to take *the oath of fealty* in the following words: "Hear this, my lord, that I will be faithful and loyal to you, and will bear to you faith for the tenements which I hold of you, and loyally will perform to you the customs and services which I owe to you, at the terms assigned, so help me God and his saints." It was a maxim of law, *that homage draws with it fealty*, which likewise was incident to all kinds of tenure, except frankalmoigne. In the year eleven hundred and fifty two, the Emperour Frederick Barbarossa made a statute, that in every oath of fealty taken to any of his subjects, there should be a reserve of the faith due to him and his successors; which immediately was adopted by several other nations, where the feudal law was in use, with regard to their sovereigns; and the omission of that reserve was punished in England by a judicial determination under Edward the First.

V. Radevic.
l. vii. c. 2.

See Spelman.
Gloss FIDE-
LITAS.
Hale's Hist.
of the Pleas
of the crown,
c. 10. p. 67.
Coke upon
Lytt. p. 65.

See Spelman.
Gloss. Ho-
MAGIUM.
See also Fleta
l. ii. c. 16
sect. 21.
Hale's Hist.
of the Pleas
of the crown,
c. 10. p. 70.

V. Anselm.
Epist. ad Er-
nuis, prior.

Homage done to the king was called *lige homage*, and was accompanied with the oath of allegiance expressed in these words: "I become your lige man, of life, and limb, and of earthly worship; and faith and troth I shall bear unto you, to live and die against all manner of folk: so help me God." The ceremony was the same as in doing ordinary homage to a mesne lord. It has been noted in a former part of this work, that Anselm, archbishop of Canterbury, refused to pay homage to King Henry the First, because some of the popes, and certain councils held under their influence, had forbidden ecclesiasticks to make such an acknowledgement of their dependance on princes. In one of the epistles of that prelate we find this expression, *I will not become the man of any mortal, nor swear fealty to any*: which resolution he was supported in by all the strength of the papacy: but, after a long and hard contest, Pope Paschal the Second

cond allowed *the bishops elect* to do homage, and take the oath of fealty, *before they were consecrated*. This was confirmed by the constitutions of Clarendon, of which a particular account will be given hereafter; and from the words of Glanville it appears, V. Glanville, l. ix. c. 1. that about the end of Henry the Second's reign homage was accordingly done by *bishops elect*: but he tells us, that, *after they were consecrated*, they took the oath of fealty. This was a material difference from what had been settled by the constitutions of Clarendon; and it is surprising that we have no account of it in the history of the times. Nor is any notice taken in Glanville's treatise, that, by those constitutions, in the oath of *the bishop elect*, a clause *saving his order* was allowed to be inserted; which surely was a reserve of a very dangerous nature. It seems to have crept in, during the reign of King Stephen, when many other such concessions were made to the church: for no trace of it appears under King Henry the First. One cannot but wonder that a legal sanction should have been given to it at Clarendon by Henry the Second. In the course of the dispute between that monarch and Becket we find the latter making use of it to justify his own conduct; and indeed there was no obligation, contracted by the oath, which might not be eluded and cancelled, according to the doctrines of Rome, by means of that clause. Whether it remained in the oath of fealty *taken after consecration* Glanville does not inform us. Sir Thomas Lyttelton says, in his book of Tenures, "that if an abbot, or a prior, or other man of religion, shall do homage to his lord, he shall not say, *I become your man*, &c. for that he has professed himself to be only *the man of God*; but he shall say thus, *I do homage unto you, and to you I shall be true and faithful, and faith to you bear for the tenements, which I hold of you, saving the faith which I owe unto our lord the king.*" This regards

only homage to inferior lords, who were subjects: but the reason given by Lyttelton, which is the same with that on which Anselm grounded his opposition, extends to lige homage. Yet I find no mention in Glanville of this alteration.

V. Ingulph.

p. 79.

Flor. Wigorn.

& Sim. Du-

nelm. sub

ann. 1086.

Chron Sax.

sub ann.

1085.

H. Huntingd.

& Hoveden.

sub ann.

1085.

V. DuCange

Differt. 13

14. & Nouv.

AbreséChro.

de l'Histoire

de France,

sub ann.

1269, 1270

We are assured by contemporary writers of the greatest authority, that, in the reign of William the Conquerour, lige homage was done, and fealty was sworn to that king, not only by his own immediate tenants, but all the considerable sub-vassals: which is a remarkable thing; because in France and some other countries, it was understood that the feudal law forbid the subvassals to do homage or swear fealty, on account of their fiefs, to any but those of whom they immediately held them. The practice of England in this respect was more agreeable to good policy; and very proper to keep up in the minds of the inferior orders of freemen a sense of the duty they owed to their sovereign: for in those days it often happened, that, as in their religion, so in their government, the *supreme power* was forgotten, and the vulgar worship was paid to the *middle powers* alone. It also appears from the words of William of Malmesbury, that, *homage was done and fealty sworn to the heir apparent of the crown, in the reign of King Henry the First, by all the freemen of England and Normandy, of whatever order or rank they were, and to whatever lord they were vassals.* Yet it is not easy to conceive how this could be performed, unless we understand these words with some restrictions, as meaning only the most considerable persons in all the orders of freemen.

V. Malmstb

de Hen. 1

l. v. f. 93.

Glanville tells us, that women could take the oath of fealty, but could not do homage; and that, if they were married, their husbands were to do homage for them. These points of ceremony being important in the law of those times, though they may appear uninteresting at present, I have thought it necessary to give this short account of them, from the most authentick writers. It

V. Glanville,

l. ix. c. 1.

It may justly be said, to the honour of the whole feudal system, that all the duties of it were built on the noblest foundations, viz. *bounty* and *gratitude*; *bounty* in the lord who bestowed the fief, and *gratitude* in the vassal who held it by his grant. From these two principles arose all the connexion between them; and they are the best principles in human nature. When estates in land were bestowed as *gifts*, during pleasure, or as *benefices*, during life, in the original and infant state of this system, nothing could be more simple than the obligations resulting from such grants: but when they were made *hereditary fiefs*, the laws and customs relating to them became more complex; though founded upon the same reasons. As the *property* still remained in those who granted *these fiefs*, and in *their heirs* after them, there could not be in the *vassals* any power to *alienate*, *mortgage*, or *sell* them, or to *alter the course of hereditary succession*, without leave of their lords. And the same restraints were reciprocally laid on the lords, because *the use and profits* of the feudal estates *belonged to the vassals*. Yet V. Glanville, l. vii. c. 3. Glanville says, that, in his time, every freeman, possessed of land, might give *a part of it* with his daughter, or any other woman, as a marriage-portion; or to any person, as a reward for services done him; or to a religious house or church, if the gift was made in his life time, and with the proper forms of livery and seizin, and *in a reasonable proportion*. But if any such donation was made on a death-bed, it was not valid without the consent of the heir. Such consent was also required to enable a man, who had several married sons, to give away, even in his lifetime, any part of the heritage to his youngest son: for which Glanville assigns this reason, that fathers commonly bear a greater affection to their youngest son than their eldest, which might cause them to disinherit the eldest, if that partiality were not restrained. A man, who had no estate of inheritance,

tance, but only a purchase, might dispose of the whole of that purchase to whom he pleased, by a gift made in his life-time, if he had no child; but if he had one, he could only dispose of a part; nor could he bequeath it by will, though he had no child: *because* (says Glanville) *God only can make an heir*. If a man had both land of inheritance and a purchase, he might, in his life-time, give away either a part or the whole of his purchase, without restraint, and a reasonable part of the inheritance also, over and above the other donation.

L. vii. c. 1.

L. vii. c. 17.

L. vii. c. 9.

V. Glanville,

L. vii. c. 17.

V. Leg. Inæ,

c. 5.

Leg. Canut.

c. 12, 13.

Spelman on

Feuds and

Tenures, c.

23.

Fiefs of all kinds reverted to the lords, if the tenants deceased without heirs; which determination or extinction of the original grant was called *an escheat*. In case there was any doubt whether the heir was of age, the lord had the custody both of his person and fief, till that doubt was decided. And, by a parity of reason, if it was questioned, who had a right to inherit any fief, the lord retained it in his hands while the suit was depending, as *a temporary escheat*, according to Glanville. But if nobody appeared, to lay claim to it, as the next heir, then it remained *a perpetual escheat* to the lord, and he had an absolute liberty to dispose of it, *as of his own*. There was also another kind of escheat, which was not accidental, but penal. The fief returned to the lord, if the vassal refused to perform any of the duties required of him by law in virtue of his tenure, or would not acknowledge that tenure, or dismembered the estate, or greatly impaired it, or committed any act of grievous injury or offence against his lord. The same forfeiture was incurred by a military tenant, who forsook his lord in a fight; and if, besides his fief, he had any allodial land, it was forfeited to the king by the *common law* of England. In the case of high treason, the land, to whatever lord it belonged, was forfeited to the crown, both by the Saxon and Norman laws. Glanville likewise informs us, that a tenant

tenant in chief of the crown, convicted of felony, forfeited thereby to the king, not only his land, but all his goods and chattels, in whatever hands they were found; nor could they be ever recovered by any heir. The same author says, that, if an outlaw, or convicted felon, held of any other lord than of the king, all his moveables were the king's; and the land remained for one year in the king's hands, but then reverted to the lord; yet, not without the subversion of the houses upon it, and rooting up of the trees. The reason of this was a supposition, that the lord, of whom the felon held, was in some degree culpable, for want of a proper care in the choice of his tenant; and whatever disturbed the publick peace was an injury to the king. Nevertheless Glanville tells us, that if an outlaw or convicted felon, who held by mesne tenure, received the king's pardon, neither he nor his heirs could, in virtue of that pardon, recover the land, unless by the mercy and favour of his lord, to whom it escheated; because the king's mercy ought not to prejudice the right of another. He adds too, that, in general, if any subvassal did or said any thing, for which he lost his inheritance by judgement of law, it returned as an escheat to the lord of the fief. One cause of forfeiture, which he mentions, deserves a particular notice. If a female heir, being a ward in custody of her lord, was guilty of incontinence, her estate became, by that offence, an escheat to her lord. And, when a fief was divided between several sisters, if it was proved that any of them had violated their chastity, while they were under the custody of their lord, the persons so offending incurred by it a forfeiture of their part of the inheritance to the innocent sister or sisters; but, if all had so offended, the whole escheated to the lord.

This was a severe punishment for the frailty of a single woman, and without example in other laws; but

V. Glanville.
l. vii. c. 17.

L. vii. c. 17.

V. Glanville,
l. vii. c. 12.

but it undoubtedly arose, not so much from a rigorous sense of the heinousness of the fault, as from the notion of an advantage due to the lord from the marriage of his ward, which he probably might be deprived of by her being dishonoured. For Glanville declares, that this forfeiture did not extend to incontinent widows, if they had once been lawfully married; nor disinherit the child of a married woman who broke her conjugal faith, because a son born in wedlock is always presumed a lawful heir. But there may have been another reason for the exempting of widows and wives from this penalty, viz. that, they not being under the custody of their lords, their incontinence was no breach of the duty and reverence due from a vassal, any offence against which was, in the sense of the feudal law, a most grievous crime; gratitude in the vassal for the obligation conferred on his ancestor, and transmitted to him together with the fief, by the original grant thereof, being (as I have before observed) one main foundation on which that whole

V. Crag de
Jure Feud.
l. iii. tit. 6.
sect. 12, 14.

system was erected. Yet we are told by a feudal lawyer of the greatest authority, that the fief was not forfeited, in any case whatsoever, by the vassal's offence against his lord, if the lord had given occasion for it, by a prior offence, or if each had offended against the other at the same time; because (says he) it would have been very unjust, that the lord's condition should be mended in consequence of a fault, which he himself had either caused, or shared in. And it was a general maxim of the feudal law, that a forfeiture of the property of the lord in the fief, and of all his dominion over his vassal, was as necessary an effect of any great breach or neglect of the duty which he owed to his vassal, as the forfeiture of the fief was of a similar crime or neglect in the vassal. Indeed this principle, which is so consonant to natural equity and natural liberty, was the corner stone of the whole policy settled in England by

by the Normans. So that our kings, considered as feudal lords of this kingdom, were bound no less to protect their vassals in all their just rights and privileges, than their vassals were to serve them; and a failure, on either side, in these reciprocal duties, destroyed the connexion, and dissolved the obligations of the party offended. The inferior vassals, in all degrees of subinfeudation, were likewise, by virtue of the abovementioned maxim, entirely freed from the bond of their homage and fealty to their respective lords, if these did not acquit themselves of what they owe to them, agreeably to the nature and conditions of their original compact. It is therefore very apparent, that the spirit of this system was most abhorrent from tyranny, and that the plan of it, in all its several parts, was designed as much to resist any oppressive exertion of power within, as any attacks from foreign enemies.

Another great benefit, arising from this plan, was *the uniting of power to property*, which is the surest basis upon which all liberty stands! And as *property* in England, by degrees, diffused itself wider, from the alterations that were made in those parts of the feudal law which had confined it too much, *the power united to it* extended itself further, and produced that comprehensive system of freedom, which the whole nation enjoys under our present constitution.

Originally all *proper feuds*, that is, all of a *military nature*, descended, in equal proportions, to all the sons of a vassal, but never to daughters. This exclusion of females had been taken off in most countries, before the Normans came hither: but whether the equal division of all military fiefs continued after that time, and when it absolutely ceased, is not very clear. The impartibility of them is ascribed, by many writers, to a constitution made by the emperor Frederick Barbarossa in the year eleven hundred and fifty two. But earldoms

V. Constitutiones Feudorum, l. ii. tit. i. & s. l. ii. tit. 11.

doms and baronies, which that ordinance chiefly relates to, had before been indivisible, both in England and in France, except in the case of a baron leaving several daughters, and no son, at his death. I should therefore suppose that the custom of preserving knights-fees undivided in the course of descent, which seemed necessary to enable the military tenant to perform his honourable service with the requisite dignity, began to prevail among the English some time before it was settled by law in the empire. And together with that was introduced *the right of primogeniture* in feudal successions. For when, in order to preserve the tenure entire, only one son could take it, the eldest was preferred, as soonest able to perform the duties of the fee, and most naturally coming into the place of his father. Certain it is, that, when Glanville's treatise was written, it was the established law of England, that, in a military fief, the eldest son should succeed to the whole inheritance. Yet it appears from records, that men frequently held by parts of a knight's-fee: but such divisions either arose from marriages with the daughters of a military tenant, who had no son and several daughters; or were made by enfeoffments, and not in virtue of the rule and course of succession. Lands held *in free socage* were equally divided among all the sons, unless they were such as had been impartible *by ancient custom*; of which some went to the *eldest* son, and others to the *second*.

V. Glanville,
l. vii. c. 3.

C. 3. ut su-
pra.

Glanville says, that, in all estates, of what nature soever, if an only daughter was left, she inherited the whole land; but, if there were more, it was equally parted among them, even in military fiefs: with this distinction alone, that the *capital messuage* always went to the eldest; which was likewise observed when a division was made of socage lands among several sons. He remarks, that if any one of the brothers or sisters, who had been sharers in

in an inheritance, died without issue, the portion of the deceased was again divided among the survivors. Upon the division of a fief among several daughters, the husband of the eldest was to do homage for the whole, and the younger were to perform the services due to their lord, by his or her hands. But the heirs of these, even as far as the third generation inclusively, were under an obligation of doing homage, and paying reliefs for the lands they held, to the heir of the eldest sister. If a man had several wives, and daughters by all, and by the last an only son, that son would inherit the whole estate of his father: because (says Glanville) it is a general rule of law, that no woman can ever share with a man in any inheritance, unless, perhaps, by a special custom, in particular towns, confirmed by long usage. In the course of succession the lineal descendants were preferred to collaterals. But Glanville speaks of it as a point very doubtful in his time, whether, upon the death of a man leaving issue a younger son, and a grandson by his elder son, the inheritance ought to go to the son or to the grandson. And it is justly observed by a fine writer, in a learned treatise lately published on British Antiquities, that there is no question in law which has afforded a greater field, not only for law suits, but for bloody and cruel wars. Glanville decides it thus, "That the grandson by the elder son should be preferred to the younger son, if the elder had not been *forisfamiliated* by the grandfather; which term of law he explains to mean an assignment made by the grandfather, during his life-time, of part of his land to his eldest son, and teisin thereof given to him, at his own request and desire; it being understood that such assignment would bar any claim, in the heirs of the person who took it, to the rest of the inheritance. But if a vassal's eldest son had done homage to his lord, of whom the estate was immediately held, for his paternal inheritance,

V. Glanville,
l. vii. c. 3.

See Essays
upon several
subjects con-
cerning Bri-
tish Antiq.
n. 138.

V. Glanville,
l. vii. c. 3.

V. Glanville,
l. vii. c. 3.

V. Mag. Rot.
10.

Joan. Reg.
Rot. 11. 6.
Dorset & So-
merfet.

See also En-
quiry into the
manner of
creating
Peers, p. 5.

V. Lib. Feu-
dor. I. tit. 1.

V. Glanville,
l. vii. c. 13,
14, 15.

it was clear, according to Glanville, that, in case he died before his father, a son left by him would succeed to the estate in preference to an uncle. Nevertheless, there is among the records in the Exchequer a remarkable instance of a preference given to a son by a second wife before a son by a first wife, in the succession to a barony, by King Henry the Second; *because he thought the younger brother a better soldier than the elder*. This seems to contradict what is affirmed by Glanville, concerning the right of the eldest son to succeed to the whole in military fiefs, and to have been a remainder of the ancient feudal law, which, on the death of a vassal leaving several sons, gave a power to the lord of the fief to confer it on any one of those sons, according to his own pleasure. But it may be presumed that such instances rarely occurred, and that the right of primogeniture in military fiefs soon became universal, as we find that by degrees it grew to prevail even in lands held by socage tenures. Glanville says, that no bastard could lawfully inherit: but the bastardy was to be proved in the spiritual court. He also informs us, that a question arose in his time, whether a son, begotten, or born, before marriage, could, by the subsequent marriage of his parents, acquire a right to inherit; and he declares, that, although by the canons of the church and Roman laws, such a son would be esteemed a legitimate heir, *he could in no wise be maintained in the inheritance by the law and custom of England*: but in case of a dispute concerning the fact, it was to be sent, by the king's writ, to the spiritual court, and tried before the ecclesiastical judge, who was to acquaint the king or his justiciary with the judgement thereupon, according to which the inheritance was to be either adjudged or denied to the son, by the judgement of the king's court.

This decision of Glanville is very remarkable; as it shews the entire independance of the law of
England

England on the canon and civil laws in his time.

The same author says, that a widow was entitled to a third part of the land for her dower, in every freehold possessed by her husband at the time of their marriage, unless he had assigned to her a lesser portion of it, at the door of the church, when they were going to be married. But if he had given a greater, it was to be reduced to that, by the sheriff of the county, upon the king's writ, which the heir was entitled to demand. In dividing the land *the capital messuage* was always excepted, and kept entire to the heir; as was likewise the *head manor*, in case the freehold contained more manors than one. It will not be necessary to enumerate here all the other cases and points of law relating to dower, which are mentioned by Glanville: but there is one which seems to merit a particular notice. He tells us, "that in consequence of a divorce on account of too near a relation between the parties, though the wife lost her claim of dower, yet, by the law of the realm, her children could inherit, and succeed to their father by hereditary right." As such a separation supposed a nullity in the marriage, the children must, in strictness, have been bastardised by it: but as the canonical prohibitions extended so far, that divorces on this account very frequently happened, after a cohabitation of many years in a state of wedlock supposed lawful, there was much humanity and equity in this law.

The rules of succession in earldoms and baronies were the same, during these times, as in other estates held by military service. The lands annexed to those dignities could not be divided, except when it happened that an earl, or baron, at his death, left no issue male, and more than one daughter: but by such partitions it came to pass, in process of time, that some baronies were split into very small parts. Thus we find by a record, that, in the eighteenth year of King Richard the Second,

Walter

V Glanville,
l. vi. c. 1.
& sequent.

See Madox's
Baron. c. 3.

Walter de Ramesey, knight, acknowledged before the barons of the Exchequer, that he held certain lands of the king in chief by the service of *the hundredth part of a barony*, viz. the barony of Byset, which, in the reign of Edward the First, had been divided among three daughters, and then subdivided into other smaller portions. But in the times from the accession of William the First, to the death of Henry the Second, I find none divided into more than *three parts*.

V. Madox,
ibidem.

In all these partitions the relief of the tenant was proportioned to the quantity held. It appears, that in the reign of Henry the Second some lands were taken out of the barony, or *honour*, of Wallingford, and granted to Geoffry, one of the king's natural sons, by writ of Ranulf de Glanville, justiciary of the realm. And in the same reign, Earl John granted a manor belonging to the *honour* of Gloucester to John la Warre, which he and his heirs were to hold of that prince and his heirs, by the service of *half a knight*.

V. Madox,
ibidem.

These were the principal alterations, introduced by the Normans, into the laws of property in this kingdom, till after the death of Henry the Second.

It seems a wonderful thing, that any freeholders possessed of alodial estates should ever have been willing to convert them into fiefs, subject to the services, burthens, and entails above-mentioned! Yet it is certain that, in fact, such alterations were desired.

V. Montef-
quieu de
l'Esprit des
Loix, l. xxxi.
c. 7.

The reasons given for it are these. The possessors of fiefs had several privileges, which other freemen had not: a higher value was set on their persons; the compositions for injuries done to them were greater; which was an important distinction, when most offences were punished by pecuniary fines, according to rates ascertained and fixed by law: and, what seems to have weighed more than any other reasons, they who held by knight-service were exempted from *tallage* and many other impositions,

sitions, which fell heavy on the possessors of alodial estates. I may add, that the near connexion contracted with the king by feudal tenures in chief, a connexion exceeding that of common allegiance, must naturally have been deemed a great advantage; and particularly, as the being invested with a military fief implied an honourable opinion in the sovereign of the valour of the feudatory. Nor was the service required, in return for such a fief, then accounted so burthensome, as at present it may seem; the martial spirit, which prevailed among all ranks of men, but more especially among the gentry, recommending to them an engagement, which gave them occasions of encreasing their reputations and fortunes. The same reasons, in a lower degree, induced the inferior freeholders to connect themselves with those of a higher dignity and condition, by the mutual bond of a feudal tenure. Lastly, the fashion of the times did, in this instance, as in others, incline the minds of men rather to look at the benefits, than to consider the inconveniences attending that state, which resulted from such contracts. But it must be observed that, in England, the ancient customs of the nation made more resistance to this system, than appears to have been opposed to it in other parts of Europe, or even in Scotland; and the continued attachment to those customs had the effect of correcting and mitigating the rigour of the feudal laws in this kingdom, so as always to temper, and at last to abolish, whatever in them was oppressive, or contrary to good government and general freedom.

Baronies were originally created by feoffment. Mr. Madox says truly, "that no man, or number
" of men, without the king, could ever make an
" earl, or baron. Every honour originally passed
" from the king, and upon every change, by death,
" or otherwise, returned to the king again, and re-
" mained in his hand, until he commanded seizin

V. Baronis,
l. i. c. 1.
p. 23, 24.
l. iii. c. 5.
p. 241.

“ of it to be delivered to his homager, according to the custom of noble fiefs.” Yet it must be understood, that the honour, or barony, so created by the crown, or so delivered back again out of the hands of the king, was annexed to certain lands, which were composed of knights-fees, and held of the crown by knights-service. For, till long after these times, all baronies were *territorial*, and possessed by *tenure* alone; not by *writ*, or by *patent*.

See the Con-
stitutions of
Clarendon.

Besides the military service, which every baron was obliged to, in virtue of his fief, he was also bound to attend the king in his parliament and supreme court of justice, to assist in his judgments, and give him faithful counsel, in all matters concerning the dignity of his crown and the good of his realm. But, although this was one of the feudal duties annexed to baronial lands in this kingdom, by the introduction of those tenures which were derived to us from Normandy, yet the attendance of the nobility in parliamentary meetings had an origin much more ancient than the Norman government here, being as old as the English monarchy, and the birth-right of the chief men of the Anglo-Saxon nation, even from the first settlements they made in Great Britain; as it had been in the countries from whence they came.

See Dug-
dale's Baron.
f. 107.

It appears that baronies differed greatly in the number of knights-fees, whereof they consisted. One of the smallest of which I find any record, is that of Hwayton in Northumberland, which Richard de Cramavil held of King John by the service of three knights. The same man held another, which had belonging to it no less than sixty knights-fees, viz. the honour of Tickill. As, therefore, it was not the possession of many knights-fees which constituted a bar-

See Madox's
Hist. of the
Exchequer,
c. 14. p. 370.

on, so neither was it the holding in chief of the king. For Mr. Madox, in his history of the Exchequer, gives us the plea of Thomas de Furnival; who being amerced as a baron, said *he was no baron*, though he acknowledged that he held the manor of
of

of Sheffield in chief of the king. It likewise appears that in the thirteenth year of Henry the Third John de Baliol was charged with a hundred and fifty pounds, as the relief for thirty knights-fees held by his father of the king, viz. five pounds for each fee: whereas, if he had held those fees as a barony, he would have paid for the whole, collectively, but one hundred pounds. Nevertheless he had a barony, viz. that of Biwel in Northumberland, which he held by the service of five knights-fees, and of finding thirty soldiers for the guard of Newcastle. He also held the lordship of Hiche *as an augmentation of his barony*, by the gift of King Henry the Second to his grandfather, and by the service of two knights-fees. In the reign of King John several manors were held of the crown, by the service of one knight's-fee for each. Sir William Dugdale mentions three so held by one man. But most baronies, if not all, consisted, in the times of Henry the Second and his four predecessors, of more than one manor.

Ibidem, c. 10.
p. 218.

See the
Charters of
Henry III.
Madox's
Hist. of the
Exchequer;
ut *suprà*.

See Dug-
dale's Baron-
age, p. 107.
Clavering.

Every earl had a barony annexed to his earldom, and, as the relief of an earl appears to have been the same with that of a baron, viz. one hundred pounds, it may be supposed that he paid it on account of his barony, which was a land-estate, and not of his earldom, which was an office. This was a high fine for the smaller baronies, being equivalent to at least fifteen hundred pounds in these days. It seems surprising that as baronies differed so much in the number of knights-fees whereof they consisted, the charters of King John and Henry the Third should establish no difference in the reliefs they were charged with: but from hence it seems probable, that even the least were of such value, as to be able to bear that charge, without any grievous hardship on the possessors. And, perhaps, the consideration of this inequality may have been one of the reasons, which induced the legislature, un-

V. Spelman's
Gloss. Ho-
nor.

der Henry the Second, to leave these payments discretionary and under no certain rule; to the intent that the crown might make the proper difference, in ease of poorer barons: which did well, while the discretion was favourably used: but it was afterwards found more prudent to limit the sum to one hundred pounds.

See Hist. of
the Exche-
quer, c. 10.
p. 217. 220.

If two or more baronies happened to be vested in the same man, they did not consolidate in his person, but he held them distinct, and was chargeable with a separate relief for each barony; as appears by the rolls in the case of the earl of Gloucester, who in the second year of King Henry the Third paid a hundred pounds relief for the honour of Gloucester, a hundred pounds for the honour of Clare, a hundred pounds for the honour of St. Hilary, and fifty pounds for the moiety of Earl Giffard's honour.

V. Ordericus
Vital. p. 523.

See Domes-
day Book in
the several
Counties, &
Brady's Hist.
W. I. p. 198,
200, 200.

The grants made by William the Conquerour to some of his barons, but more especially to his earls, were excessively great. For instance, to Geoffry bishop of Constance he gave two hundred and eighty manors in England; to Ranulf de Baynard eighty five, and to Roger de Busli a hundred and forty nine. Odo bishop of Bayeux, whom he made earl of Kent, had in that county, and in several others, four hundred and thirty nine lordships. Robert earl of Mortagne, on whom he bestowed the earldom of Cornwall, had, in that and other counties, seven hundred and thirty three manors. The honour of Richmond in Yorkshire had a hundred and sixty six lordships; besides which the earl possessed, by the gift of the king, his father-in-law, two hundred and seventy six, in other parts of the kingdom. The honour of the earl of Clare comprised a hundred and thirty one fees *of the old feoffment*, that is, of which the earl's ancestors had been enfeoffed before the death of King Henry the First:
and

V. Madox's
Baron. c. 5.
Hist. of the
Exchequer,
p. 398.

and to these were added nine fees, and the fourth part of a fee, *of the new feoffment*.

Ordericus Vitalis says, in his history, that William of Warren complained to Robert duke of Normandy, the eldest son of the Conquerour, that he had suffered a great loss for his sake, by losing the earldom of Surrey, which produced to him annually *a thousand pounds of silver*. The greatest part of this income must have been drawn from the barony annexed to the earldom; though the third part of the profits arising to the crown from the pleas of the county court were given to the earl. For it appears by the rolls, that in the sixth year of the reign of King Henry the Second the *third penny* of Essex was but forty pounds ten shillings and ten pence; of Hertford thirty three pounds one shilling and eight pence, and in the sixteenth year of that reign the earl of Norfolk received, on account of this perquisite, but sixteen pounds thirteen shillings and four pence, for a half yearly payment. It varied indeed a little in different years, unless where the revenue of the county was ferm'd at a certain sum by the sheriff. But there seems something extraordinary in the value that was set by William of Warren upon his earldom of Surrey: for by the accounts in the Exchequer we find, that much less was taken by King Henry the Second for the ferm's of other earldoms escheated to the crown. It must indeed be supposed, that the fermers had good bargains, and did not usually pay so much to the king in their rent, as the earl received from the earldom; because some profit was allowed them in return for their trouble. But if we value the English earldoms, one with another, at only half of what we are told the earldom of Surrey produced, that moiety, being equivalent, on the lowest computation, to an income of seven thousand five hundred pounds in these days, was in itself no mean provision for supporting even the highest degree of

Q 3 nobility:

V. Ord. Vital.
l. xi. p. 804.

See Madox's
Baronia, l. ii.
c. 1. p. 139.
Magn. Rot.
6 H. II.

Ibidem, Mag
Rot. 16 H. II.

See Madox's
Baronia, l. i.
p. 72.
Magn. Rot.
H. II. Rot.
5, 6.

nobility : and we then had no higher. Yet this was not all the wealth of the English earls in that age. Most, if not all of them, had, exclusive of their earldoms, and of the baronies annexed to them, many more baronies, manors, and lordships, in other parts of the kingdom. Among the Saxons it was usual for many earldoms to be conferred on the same person.

V. Flor. Wig.
sub ann.
1051.
Seelman's
Gloss. Dux,
p. 190.

In the reign of Edward the Confessor, we find that Godwin was earl of Kent, of Suffex, and of all the West Saxon counties. His eldest son, Swain, was, at the same time, earl of Oxfordshire ; Gloucestershire, Herefordshire, Somersetshire, and Berkshire ; and his second son, Harold, of Essex, Huntingdonshire, Cambridgeshire, Norfolk, and Suffolk. All this power in one family must necessarily break the balance of the state, and establish in it a kind of oligarchy, as it appears that it did, during the greatest part of that reign. But the Saxon earldoms were not hereditary : for, although they were sometimes permitted to descend from father to son, it was not by any right, or claim of inheritance, but only by the indulgence and favour of the king. In the reign of William the Conquerour, all the earldoms of England, as well as the baronies, being rendered hereditary, and descending even to minors, the earls became more independent of the crown ; and a more complete aristocracy was thereby established ; but, happily, by their number, they were a check on each other ; for it rarely chanced that either by marriage, or the course of descent, more than two earldoms were united in the same person ; and the power of the greater barons was little inferior to that of the earls. Mr. Selden, in his learned treatise on Titles of Honour, has laboured much to prove, that earls were not, in the Norman policy, as they appear to have been during the Saxon, *governors of the counties under the king*. But, though several parts of the business of the crown, and more particularly, all that concerned the

Pa. ii c. 5.
sect. 12.

the revenue, were administered by the sheriffs, yet it seems clear enough, that the earls were the chief officers under the crown in the two highest trusts, viz. *the judicature of the county* and *the command of the military force thereof*, after the Normans came in, as well as before. Indeed, there is reason to think, that in process of time, and, perhaps, as early as the reign of King Henry the Second, they grew neglectful of their duty in their several county courts; so that generally the sheriffs presided there in their stead, though *not deputies under them*, but *officers of the crown*. Yet they continued long afterwards to receive the third penny out of the pleas in those courts, or a certain sum in lieu thereof, which Sir H. Spelman considers as *the salary of their office*. And of their right to command the military force, belonging to their counties, no light proof may be drawn from the appellations of *dux* and *consul* given to them, in the Latin histories of those times. The form of girding them with a sword, when they were invested with their earldoms, was likewise strongly expressive of a military commission appertaining to the office and dignity of an earl. But it must be remarked, that the command of *the provincial militia* was different from that, which the Norman earls were entitled to, over their own immediate vassals; the latter being feudal and territorial; whereas the former was derived from the ancient right of their offices, and seems to have been of the nature of a *lieutenancy in the counties under the crown*.

V. Gloss. Co.
MEs, p. 141.

See Titles
of Honour,
pat. ii. c. 5.
sect. 13.

The number of earls was determined by the number of counties over which they presided: so that the king could not regularly create any more: but there might be fewer from the same person having two or more earldoms. During the confusion of the civil war in the reign of King Stephen, that prince created some *honorary* or *titular earls*, who had no counties, and whose dignity he maintain-

V. Mat. b.
Hist. nov.
l. i. sub ann.
1138. et
Chro. Norm.
sub ann.
1154.

ed, in an extraordinary manner, by grants of crown-lands. This he did to oblige some of the barons of his party, whose ambition he could find no other means to gratify : but, though, for some ages past, the custom of the kingdom has admitted such a prerogative to be unquestionably in the crown, it was then thought irregular ; and therefore Henry the Second, in the first year of his reign, deprived those earls of their titles, and resumed the grants of crown-lands given to support their new honours.

It sometimes happened that alliances contracted by matches between the families of great earls did so extend and augment their power in the kingdom, as to render it dangerous to the state. But, on the other hand, the animosities and family quarrels, which often inflamed these petty princes against each other, divided and weakened their power ; and were, perhaps, as advantageous to the liberty of the nation as hurtful to its peace. There never yet was any government so perfectly good, as not to have some inherent, constitutional evils ; nor any so bad, but that the evils arising from it would in some measure correct and restrain one another. This appeared in the plan of policy settled here by the Normans. As the vigour and spirit infused into it did often, by the irregularity of its working, and the continual ferment which it raised, produce a feverish heat, so we find that some distempers, which would have been otherwise fatal to it, were thrown off by this heat. And some excesses of the royal prerogative, which have since been wisely controuled, operated as remedies in that system against the immoderate authority of the nobles ; while both these powers were checked by the arms entrusted to great numbers of the inferior freeholders, in consequence of the tenures, by which they held their estates. But the regular force of a government more equally tempered, and orderly applications to parliament for the redress of any grievances, which might otherwise be too strong for the ordinary courts of justice,

justice, are much better securities, under our present constitution, to the liberty of the subject, the dignity of the nobles, and the majesty of the crown, than the frequent collision and struggle of those jarring powers, which, though they prevented the establishment of any *fixed tyranny*, disturbed the quiet, and discomposed the harmony of the state.

Among the English earls some were invested by the crown with higher powers than the rest, possessing in their earldoms a regal jurisdiction so that the king's writ of ordinary justice did not run there. The Saxons in England had such (as Mr. Selden has shewn) though they did not give the title of *Counts Palatine* to them; a title which seems to have been first used in the times of King Henry the Second. The earldom of Chester was granted

See Titles of Honour, P. ii. c. 5. sect. 8.

by William the Conquerour to one Gherbod, a Flemish baron, and afterwards to Hugh d'Avranches, otherwise called Hugh Lupus, to be held under the crown, by him and his heirs, with such a jurisdiction, that they had their courts both of

V. Joh. Salsburg de Nugis Cur. l. vi. c. 10. Order. Vital. sub ann. 1070.

criminal and civil justice, and their barons, as their great council; every one of whom had also a court under him, in the same manner as those barons who held of the King. John of Salisbury gives the title of *Palatine* to all the English earls upon the marches of Wales, because they likewise enjoyed a regal jurisdiction within the

Selden's Titles of Honour, as above. De Nugis Curial. ut supra.

extent of those marches: and Hugh de Belesme, who was earl of Shrewsbury in the reign of William Rufus, is therefore called a *Palatine* in some records of the time of Edward the First. Mr. Madox observes, "that several of the lords marchers

See Titles of Honour, P. ii. c. 5. sect. 8.

V. Baroniam, l. ii. c. 1. p. 154.

"had a sort of regality, which made their feigneries look like *palatinates*, They had the first cognisance of all causes and complaints within their lordships; they had their chancery, their justiciars, and other great officers, with an extensive jurisdiction belonging to the chief court of their honour."

Our

Our kings were induced to make these grants, that the borders of their kingdom might be defended by the arms, and at the charge of these noblemen, residing there, against the continual inroads of the Welch; and that the conquests made in Wales might be maintained in the same manner. We find too that the same motive produced similar grants upon the borders of Scotland. The entire profits of the county were given to every earl Palatine, for the better support of his dignity, or rather as a fruit of the regality he enjoyed; whereas other earls had only a third part. In truth, these lords were entrusted with a much greater authority, than any subject, in a well-constituted monarchial state, should ever possess: but yet neither they, nor any other English peers, could pretend to a legal right, as the great vassals of the crown did in France, to confederate with *foreign powers*, unauthorised or unlicensed by their own sovereign: a right so incompatible with order and government, that one is surpris'd it could ever be admitted in that, or any other kingdom. Confederacies indeed for their mutual defence *among the vassals of the crown* appear to have been accounted not illegal in England: and in Stephen's reign there are examples of some English earls making treaties of that nature the one with the other, during the rage of civil war: but even those treaties had a reserve of their fidelity to their sovereign particularly expressed.

It is a remarkable thing, that all the charters now extant for the creation of earls (the most ancient of which were granted by Matilda) make no mention of any determined number of knights which the earls were bound to provide. The reason of this I imagine to have been, that the knights-fees which they possessed belonged to the barony annexed to the earldom, not to the office or dignity of an earl: and as other baronies differed in the
number

number of knights-fees by which they were held, so likewise did these. The most that I find in any barony of an earl were, in the honour of Gloucester, which, during the reign of King John, had three hundred and twenty seven knights, besides a tenth and a twentieth part of a knight, that is, lands charged with knight service in those proportions. From many instances it appears, that it was not the rank or dignity of the tenant, but only the extent and goodness of the lands a barony was composed of, by which the number of knights-fees belonging to it was determined, and that the proportions in which these lands were granted, whether to earls or to barons, were often very unequal.

The great hereditary offices under the crown are called by Mr. Madox *officiary honours*; and he says, that when a lord had a *land honour* and *one of these*, he had *two distinct honours* vested in him. The same author observes, that the greater vassals or tenants, of earls, barons, and prelates, were sometimes called barons; for which, in another place, he gives this reason: "The earls and great lords did then, in many particulars, imitate the form and fashion of the king's court. As the king had, so had they, their *dapifers* or seneſchals, chamberlains, and other officers in their households, and likewise abroad their *barons*, or *chivalerian tenants*." But these (he says) were styled *improperly* barons, and *only by way of resemblance*. It seems to me that all who held of the great lords by knight-service were not usually called *their barons*, but only those who were so considerable, as to have under them other knights, or military subvassals. We find in some charters, that the magistrates or chief citizens of London, York, Warwick, and other principal cities, were honoured with that title. It was even extended to all the judges in a county court. But in these instances the word is used very loosely.

See Madox's
Baron. p. 93.

Baron. p.
157. l. ii.
c. 1.

Hist. of the
Hatchings. 5.
p. 133.

Baron. l. i.
c. 6. p. 133.
154.

V. Spelman's
Gloss. BARO.

Ibidem. BA-
RONES CO-
MITATUS.

The

The name of *viscount* in those days was not a title of honour, but signified only a sheriff. The principal functions of this office are thus defined by Mr. Madox, in his very accurate history of the Exchequer: "It was the sheriff's duty to do the justice of his county, to keep the publick peace, to stock and improve the king's lands, and to collect the king's revenue." It appears that in time of war he also performed some military functions; and the above-cited author has observed, "that he usually was the *præfect* or governor of the king's castle in his county." It is said that among the Anglo-Saxons this officer was elected in the county court by the people: and in the reign of King Henry the First the citizens of London paid a fine to that Prince of a hundred marks of silver, that they might have the privilege of chusing their sheriffs themselves. But no instance occurs of such a liberty in the counties after the entrance of the Normans, till the statute made by Edward the First in the 28th year of his reign, by which he granted to his people, *that they shall have election of their sheriff in every shire where the shirivalty is not of fee, if they list*. Nor did that act of parliament continue long unrepealed. In the times of which I write, the sheriffs had the counties committed to them respectively, by the king, at his pleasure, either in custody, or at ferm-certain. The Empress Matilda made a convention with Geoffry earl of Essex, by which, among other things, she granted to him the shirivalty of London and Middlesex, at three hundred pounds yearly ferm, and that of Hertfordshire at forty pounds, as his grandfather held them. Three hundred pounds were then equivalent to at least four thousand five hundred now, and forty to six hundred. It appears by the rolls, that, under Henry the First Richard Bassett and Aubrey de Vere were joint-sheriffs of *eleven counties*. This was extraordinary: but there are several instances

C. xxiii. p. 643.

Baron. l. ii. c. i. p. 145.

V. Spelman's Gloss. Vicecomes.

V. Magn. Rot. 5 Steph. Madox's Hist. of the Excheq. c. 11. p. 273. See also Dissertation de Magno Rot.

See Madox's Hist. of the Excheq. c. 23. p. 634. Manusc. W. Dugdale in Museo Ashm. Oxon. Madox, ut supra.

stances under different kings of two or three being committed to the same person. Urso d'Abitot, in the reign of William the Conquerour, was made sheriff of Worcestershire, and the office was granted in fee to him and his heirs. Nevertheless it appears that his son was turned out of it by Henry the First, for having ordered one of the servants of that king to be slain. But it went to his sister, and, in her right, to her husband, Walter de Beauchamp, from whom it descended, by inheritance, to William, their son, who in the reign of Henry the Second was also sheriff of three other counties, viz. those of Hereford, Gloucester, and Warwick. Archbishops and bishops were sometimes appointed sheriffs. In the reign of King Richard the First, William, bishop of Ely, who was chancellor at that time, offered to give the king for the shirvalty of the several counties of York, Lincoln, and Northampton, fifteen hundred marks in hand, and a hundred marks *increment* (that is, above the usual ferm) every year for each county. But the archbishop of York outbid him for Yorkshire, and was made sheriff thereof, on the payment of three thousand marks for that county alone, and the yearly increment of three hundred. Three thousand marks were then equivalent to thirty thousand pounds in these days. This auction of a ministerial and judicial office, of the highest trust and importance, was a scandalous thing, and what does not appear to have been ever practised by Henry the Second.

It seems a strange policy in William the Conquerour, and some of his successors, to have granted, as they did, the office of sheriff to certain earls *in their own counties*. For by this means they lost that necessary check on the provincial authority of those mighty peers, which the crown usually had in the power of the sheriff, and much increased their influence over the people. In the great roll of the 15th of Henry the Second mention is made of

See Dugdale's
Baron.
Beauchamp
of Elmley.

V. Hoveden,
par. ii. f. 733.
Madox's Hist.
of the Exch.
p. 635.

See Selden's
Titles of Ho-
nour, par. ii.
c. 5. sect. 12.

See Madox's
Baron. l. ii.
p. 144, 145.

the

the *viscountess of Beaumont*, and in other years of that reign one or two others are mentioned, who, I presume, had inherited the office of sheriff, and bore the name jointly with their husbands, who executed the duties thereof. For so early as in the eleventh century it appears from ancient records, that there was in France an hereditary viscountess of Maine, whose husband was viscount or sheriff of that county in right of his wife. Certainly, the permitting an office of this kind to descend by inheritance, and even to females, may be reckoned among the faults of our old constitution. When it happened to fall to an infant, or unmarried woman, it must have been executed by a deputy: and I find an instance in the reign of King Henry the Third of a deputation given to Hugh de Babington, by Walter archbishop of York, to keep under him the two counties of Nottingham and Derby, which that monarch had committed to him as sheriff. But this could not be done without the leave of the king, and a writ to the barons of the Exchequer, signifying his acceptance of such deputation.

Madox's Hist.
of the Exche.
c. 23 p. 644.

Many offices of the palace were rendered hereditary by William the Conquerour and our first Norman kings; which must have added very much to the power of the nobles, particularly the great offices of constable, marshal, chamberlain, and seneschal. What authority and jurisdiction belonged to the constable we may partly learn from a statute of the 13th of Richard the Third, wherein it is said, "that he ought to have cognisance of contracts touching feats of arms and of war out of the realm, and also of such things relating to arms or war within the realm, as could not be determined or discusst by the common law, with other usages and customs appertaining to the same matters, which other constables before that time had duly and reasonably used." Madox says, "he was a high

Hist. of the
Exchequer,
c. 11. p. 27.

high officer both in war and peace;" and observes that the word signified a captain or commander. Yet I do not find that in the reign of Henry the Second those who were constables to that king, namely Henry de Essex and Humphrey de Bohun, ever had the chief command in his armies. On the contrary, some other noblemen are mentioned as generals and commanders in chief where the king himself was not present. Henry de Essex was *hereditary standard bearer of England*: but whether that honour belonged to him as constable, or was a distinct office, held by him together with the other, does not clearly appear. That he was constable under Henry the Second is evident by two charters given in that reign. This dignity was forfeited by him, as well as his barony, in consequence of his duel with Robert de Montfort, and was afterwards possessed by Humphrey de Bohun, in the same reign, by virtue of his marriage with Margaret, eldest daughter to Milo earl of Hereford, who, by the death of her brothers, became heiress to all her father's honours, of which this was one. How it had come from that family to Henry de Essex we are not told. But from the time of the abovementioned marriage it continued in the Bohuns for ten generations. It appears by a record, that, in the reign of Edward the Third, Humphrey de Bohun, the last of that name, held several manors of the king *by the service of being constable of England*. And in the reign of Henry the Eighth it was decreed by all the judges, "that this office might be annexed to lands and descend even to females, who, while they remained unmarried, might appoint a deputy, to do the service for them; but after marriage it was to be done by the husband of the eldest alone." They also declared, "that the service was not extinct, though part of the lands for which it was done, fell into the hands of the king, to whom it was due; but remained entire in the eldest

See Dugdale, Baron. Essex, and Madox's Hist. of the Excheq. p. 28.

Madox, ut supra.

See Dugdale, Baron. Hereford, Camd. and Madox's Hist. of the Excheq. p. 28. V. Spelman. Gloss. CON-TESTABULARIUS.

Ann. 6 H. VIII.

eldest daughter : yet that the king might refuse the service, not to be forced to use the ministry of an unworthy person." Which expedient the king took, rather than admit the claim of the duke of Buckingham, who derived his title to it from the eldest daughter of the last Humphrey de Bohun. And after the death of that duke the office was never revived. The author of the dialogue *de Scaccario*, written under King Henry the Second, in describing the business done by the constable at the Exchequer, where he had a seat by virtue of his office, says, that when the *mercenary soldiers* of the king came to receive their pay there, it was his duty to examine their demands, and accounts, with the help of his clerk, and see that the sums due to them were paid at the proper terms. From hence it appears, that, besides the feudal militia, some *mercenary soldiers* were kept in pay by King Henry the second. These I suppose to be men whom he hired to serve him instead of the military tenants, who paid escuage to him by way of commutation for personal service.

L. i. p. 10.

Hist. of the
Exchequer,
c. 2. p. 33.

Ibidem, p. 31.

See Rymer,
vol. ii. p.
783.

Mr. Madox, describing the office of the king's mareschal, or mareschal of England, says it was executed partly in the king's army, in time of war, and partly in his court, in time of peace. Of the military functions of this officer he tells us nothing more, than that he and the constable were to give certificates to the barons of their having duly performed the service required of them in the king's armies; which seems to shew that those officers had a legal superintendancy over those armies. But, from other accounts, it appears, that in Edward the First's reign the mareschal's post was in the vanguard, and that it was his duty and the constable's to *muster the forces*. His civil duties were (as Madox has collected them from ancient records) to provide for the security of the king's person in his palace, to distribute the lodgings there, to preserve
peace

peace and order in the king's household, and to assist in determining controversies arising among them. He also performed certain acts, by himself or his substitutes, at the king's coronation, at the marriages and interments of the royal family, at the creating of barons and knights, and at other great and ceremonious assemblies in the king's court. It is said in the dialogue *de Scaccario* above-mentioned, that no business of importance ought to be done without his being consulted. Under Henry the Second this office was held by a family, who seem to have taken their name from thence, and were only of the rank of barons: but under Richard the First William Mareſchal having obtained the earldom of Pembroke was styled *Earl Mareſchal*; and as, from that time, the office remained in the possession of earls, though of different houses, that title also continued; and the power of it seems to have encreased from the dignity of the noblemen who held it. In it's first sense it signified master of the horse to the king.

P. 10.
Hist. of the
Excheq. c. 2.
p. 31.
Dugd. Baron.
Mareſchal
earl of Pem-
broke, p. 600,
601.
Spelm. Gloss.
MARE-
CHALLUS.

The office of *high chamberlain*, or *the king's chamberlain*, (as this officer was usually called in that age) was of eminent dignity and great power in the court. It was given by Henry the First, on the forfeiture of Robert Malet, to Alberic de Vere and his heirs: which grant was afterwards confirmed to the son of Alberic by Matilda: but I doubt whether this lord continued to enjoy it under Henry the Second: for other persons are named as chamberlains in the rolls of that reign.

V. Dugd.
Baronag.
Vere.

The office of seneschal under the same king was possessed by Hugh Grentesmeinel baron of Hinkley, who leaving no issue male, it descended to Petronilla, his eldest daughter, and in her right to her husband, Robert de Bellomont, earl of Leicester, surnamed *Blanchemains*, and son to the Grand-justiciary, of whom mention has been frequently made in this book. It was at all times a great office; but the

Dugd. Baron.
Grentes-
meinel, and
Leicester.

jurisdiction of it encreased much, when the Grand-justiciary's was diminished; which did not happen till after the decease of King Henry the Second. Indeed these offices could not possibly have subsisted together, in the height of their power: the functions and dignity appertaining to each of them having been nearly the same. But, in the times I write of, that of seneschal was much inferior to the other; and the authority of it seems to have been not very different from that of the Lord steward of the household at present.

The Grand-justiciary (as Sir H. Spelman observes) singly executed, in those days, the several functions and powers of the four principal judges in modern times, viz. the Chief-justice of the King's-Bench, the Chief-justice of the Common-Pleas, the Chief-baron of the Exchequer, and the Master of the Wards. He was too great for a subject: but happily for the crown, during the times that I write of, the office was not hereditary, nor even for life; and it was usually tempered by a joint-administration of it in several persons. Thus we find, that, in the reign of King Henry the First, Roger bishop of Salisbury and Hugh Basset were jointly possessed thereof; and under Henry the Second, Richard de Lucy was joined in commission with Robert earl of Leiceſter. Yet it seems that the latter, after the death of the former in the year eleven hundred and sixty eight, was sole Chief-justice of England, during several years; for neither in the rolls, nor in history, is any mention made of another, till the year eleven hundred and seventy nine; when, upon his resignation, the bishops of Winchester, Ely, and Norwich, were constituted Chief-justices, that is (says Sir W. Dugdale) had the administration of that high place: but they did not hold it long: for the next year it was given to Ranulph de Glanville, who enjoyed it alone till after the decease of Henry the Second.

See Dugdale's Origines Juridicales. V. Ord. Vital. p. 905. ad ann. 1136. & p. 919. ad ann. 1139. Madox's Hist. of the Exch. c. 2. p. 23.

V. Diceto, sub ann. 1179. Dugdale Origines Juridicales.

V. Hoveden, sub ann. 1180. f. 342.

In the reign of Henry the Third, Hubert de Burgh, Earl of Kent, and Grand-justiciary of England, had an assignment of three hundred pounds to be received by him annually at the Exchequer, in support of the dignity of his office. If we compute the value of money as I have reckoned it in the times which are treated of here, this would be equivalent to no more than a salary of four thousand five hundred pounds in these days: but I think the computation ought to be higher, as there is reason to believe that gold and silver were more scarce in that reign, than they had been in any, from William the Conquerour's, to the end of Henry the Second's. But it is probable that this assignment was not the whole profit belonging to the office.

Hist. of the
Excheq. c. 2.
p. 24
Spelm. Gloss.
p. 338.

V. Madox's
Hist. of the
Exch. p. 26.

Mr. Madox observes, in his history of the Exchequer, C. ii. p. 54.
“ that for some time after the conquest the Chief-
“ justiciary used to do many acts, which, after-
“ wards, appertained to the treasurer's office.”
Yet there was a treasurer then among the great officers in the king's court, of whose functions the same author gives this account. “ It seems to have Ibidem, p. 54.
“ been the part or duty of the treasurer in ancient 55.
“ time to act with the other barons of the Exche-
“ quer in the government of the king's revenue,
“ to examine and controul accountants, to direct
“ the entries made in the great roll, to attest the
“ writs issued for levying the king's revenue, to
“ supervise the issuing and receiving of the king's
“ treasure at the receipt of the Exchequer, and in
“ a word to provide for and take care of the
“ king's profit.”

It appears that, from the eleventh to the thirty first year of King Henry the Second, this office was held by Richard, the son of Nigel bishop of Ely; and a contemporary writer informs us, that his father purchased it for him of the king at the price of four hundred pounds. He was a clergyman, and afterwards bishop of London. The venality of

V. Hist. Eli.
in Angl.
Sacra, par. i.
p. 27.

great offices, and even of some which were *judicial*, may be reckoned among the faults of policy in those times.

See Madox's
Hist. of the
Exch. p. 43.
& Dissert. on
the great roll.

See the note
on the value
of money in
the first vol.

We find by the Exchequer rolls, that in Henry the First's reign, Geoffry, his chancellor, stood debtor to him, for the custody of his great seal, somewhat above three thousand pounds: a price as high in those days, as forty five thousand pounds would be in these, at the lowest computation. And the bishop of London, in the letter to Becket, of which mention has been made in the account before given of that prelate's promotion to the see of Canterbury, says, it was a matter of publick notoriety, that he had bought the office of chancellor for many thousand marks. But this does not appear from the rolls.

Of the functions and power of this officer some account has been given in the former part of this book. It may be proper to add here, that, in the dialogue *de Scaccario* before-cited it is said, *he was great in the Exchequer as well as in the court, so that nothing of moment was, or could be done there, without his consent or advice.* And the same treatise informs us, that in the court of Exchequer the Grand-justiciary presided under the king; next to him sat the chancellor; then the constable, then the chamberlains, and lastly the mareschal. Mr. Madox observes, that as the power of the justiciary declined, that of the chancellor grew; and he conjectures that the latter office received a considerable accession of power and dignity from the greatness of some of the persons who had borne it. He likewise says, *that the splendour of the king's court appeared very much in the greatness of his officers and ministers.* But some of them were *so great and splendid*, as, instead of augmenting, to diminish the *splendour* of their master, and draw the eyes of his other subjects from him to themselves.

Many

L. i. p. 9.

L. i. p. 8.

Hist. of the
Exch. p. 43.

F. 21. c. 2.

Many of the nobles and gentry held lands of the crown by the service of *grand-serjeanty*, which is called by Sir H. Spelman *the highest and most illustrious feudal service*. Sir Thomas Lyttelton says, "that tenure by grand-serjeanty is when a man holds his lands or tenements of the king by such services as he ought to do in his proper person to the king, as to carry the banner of the king, or his lance, or to lead his army, or to be his marshal, or to carry his sword before him at his coronation, or to be his sewer at his coronation, or his carver, or his butler, or to be one of his chamberlains of the receipt of his Exchequer, or to do other like services," &c. Which definition the learned Craig has espoused in his admirable treatise on feudal law. Yet Mr. Madox has shewn, by the evidence of records, that some who held by grand-serjeanty were not bound to do their service in their own persons. But the instances of this kind are, I believe, so few, as not much to impeach what Sir Thomas Lyttelton has asserted. The latter says, *that all who hold of the king by grand-serjeanty hold by knight-service*: but this is well explained by his commentator, Lord Coke, to mean only, that this tenure had *the effects of knight-service*, wardship, marriage, and relief. Lyttelton himself, in the passage cited above, mentions some serjeanties which were not of a military nature: he likewise observes, that the relief paid for this kind of tenure was not the same as for lands that were held by knight's-service; being one year's value of the lands and tenements over and above all charges or reprises; whereas the relief of a knight's-fee was but a hundred shillings. Nor did such tenants pay scutage, like other military vassals, even when the service, to which they were bound, was of a military nature; the reason of which seems to be, that, although the king might be willing to commute with an ordinary knight for his service, he would

V. Gloss. SERJEANTIA.

V. Lyttelton's Tenures, & Craig de Jure Feudali, l. i. tit. 11. sect. 5.

V. Mad. Baroniz, l. iii. c. 5.

not so easily admit a commutation, where the service was to be done to him in his own person, or in what concerned his royal dignity in a more particular manner; nor would a tenant, who was honoured by such a distinction, desire that his office should be performed by another. Among several instances of this tenure not relative to

Baronia, l. iii.
c. 5.

war or knight-service, Mr. Madox mentions one of a singular kind. In the reign of Henry the Sixth John Baker held certain land in Kent of the king by the service of holding the king's head in the ship which carried him in his passage between Dover and Whitford. This was adjudged to be *grand-serjeanty*; and it evidently appears, that the idea of *royalty* in our ancient constitution must have been very high, when *such a service* done to the person of the king was deemed by the law *the most honourable tenure*. But it must be always remembered, that the idea of a king in that constitution was a *supreme head and ruler of a free nation, to whom allegiance was due in return for protection*; and to that idea too much reverence could not be annexed.

There was also tenure by *petit serjeanty*, of which Sir Thomas Lyttelton gives this account, "that it was where a man held his land of the king, to yield to him yearly a bow, or a sword, or a dagger, or a cutlass, or a lance, or a pair of gloves of mail, or a pair of gilt spurs, or an arrow, or diverse arms, and other such small things belonging to war:" which description Sir H. Spelman likewise adopts, and agrees with Lyttelton

V. G'off. SER-
JEANTIA
MINOR.

that this service was but *scutage* in effect; for which the latter gives this reason, "because such tenant by his tenure is not bound to go to war, nor do any thing in his proper person relating to it, but to render and pay yearly certain things to the king, as a man is bound to pay a rent." He says too, that none can hold by *grand or petit serjeanty*, but of the king. Yet Bracton mentions serjeanties held

V. Bracton,
l. ii. c. 35.

of

of private persons; as for instance, if a man is bound to ride with his lord from manor to manor: but then he distinguishes these from those serjeanties, that regarded the king or the defence of the realm, with respect to the claim of wardship and marriage.

It also appears, that the great nobles affected so much to form their households on the model of the king's, that they had *hereditary officers*, to whom they also granted fiefs. Mr. Madox recites a grant from William earl of Warwick to Alan his cook, by which he confirmed to him the office, his father Richard had held, namely, *the chief ministry of his kitchen*, (*capitale ministerium coquinae meae*) which was vulgarly called the place of master cook, (*quod dicitur magister coquus*) to be held by him and his heirs, of the said earl and his heirs, as fully and entirely as his father had enjoyed it, with all *fees* of the said kitchen, (*cum omnibus feudis dictae coquinae*) and all appertinances belonging to the master cook. By the same charter we find, that the said Alan and his father had an estate in land granted to them by the bounty of their lord, with a power to hold courts over their tenants or vassals, without contradiction from the said earl or his heirs: so high a regard did some of our ancient nobility pay to their cooks; and so munificently did they reward them *for the good services done in their kitchens!*

Besides earldoms, baronies, and officary honours, there was in those days an honorary dignity, which was thought to add a new lustre to the highest degrees of nobility, nay, even to princes and kings themselves; I mean *the order of knightbood*. It was accompanied with a solemn religious engagement, the nature of which, as well as the purposes of this singular institution, I cannot better set forth, than in the words, of Alphonso the Fifth, king of Portugal, as they are delivered by a good and authentick his-

V. Marmel.
Africa, l. ii.
l. iv. c 53.

torian. That prince, after having taken the city of Arzila, by assault, from the Moors, went immediately, in great solemnity, to the chief mosque, and when he had prayed, some time, before a crucifix, which was placed upon the dead corpse of the Count de Marialva, who had been killed in the action, he commanded his son, the Infant of Portugal, to kneel down by his side; which being done, he drew his sword, and said to the young prince, "My son, we have received this day a
" great favour from Almighty God, who has made
" us masters of so important a place, and given
" me so fair an opportunity of conferring on you
" the order of knighthood, and arming you with
" my own hand. But, first to instruct you what the
" nature of that order is, know, my son, that it
" consists in a close confederacy or union of power
" and virtue, to establish peace among men, when-
" ever ambition, avarice, or tyranny, trouble states,
" or injure particulars. For knights are bound to
" employ their swords on these occasions, in order
" to dethrone tyrants and put good men in their
" place. But they are likewise obliged to keep fi-
" delity to their sovereign, as well as to obey their
" chiefs in war, and to give them salutary counsels.
" It is also the duty of a knight to be frank and
" liberal, and to think nothing his own, but
" his horse and arms, which he ought to keep for
" the sake of acquiring honour with them, by
" using them in the defence of his religion and
" country, and of those who are unable to defend
" themselves. For, as the priesthood was institut-
" ed for divine service, so was chivalry for the
" maintenance of religion and justice. A knight
" ought to be the husband of widows, the father
" of orphans, the protector of the poor, and the
" prop of those who have no other support: and
" they who do not act thus are unworthy to bear
" that name. These, my son are the obligations
" which

“ which the order of knighthood will lay upon you :
“ consider whether you are desirous of it upon
“ these terms.” The prince answering, that he
was, the king went on to ask him, if he would
promise to perform all these several duties, and
make them to be observed, with other rights and
customs of the order of knighthood ? To which he
having consented, “ On these conditions,” said the
king, “ I make and arm you a knight, in the
“ name of God, the Father, the Son, and the
“ Holy Ghost ;” and at each of these sacred names
striking him with his sword on the helmet, he ad-
ded, “ May God make you as good a knight as this
“ whose body you see before you, pierced in seve-
“ ral places for the service of God and of his sove-
“ reign.” Then kissing him on the forehead he
raised him up with his hand.

Such was the idea of chivalry in its principles,
and according to the original purity of it : nor can
one easily imagine a nobler incitement to brave and
virtuous actions : but it was an idea too perfect
for human nature, and the general practice of
those who took this engagement was far from be-
ing conformable to it's intentions and rules. One
may also object to it, that not being confined to
kings or princes, but extended to great numbers of
private men, it seemed to take the sword out of
the hand of the magistrate, to whom only belongs
the maintenance of religion and justice in a well-
governed state. But still the institution had some-
thing exalted and heroical in it ; and I will venture
to say, that, from the ninth to the sixteenth century,
the brightest virtues which dignified, either the
history of this nation, or that of any other people
in the whole Christian world, were chiefly derived
from this source. Had it not been for the spirit
of chivalry, the corruption of religion, the want of
all good learning, the superstition, the ferocity, the
barbarism of the times, would have extinguished
all

all virtue and sense of humanity, as well as all generous sentiments of honour, in the hearts of the nobility and gentry of Europe: nor could they have been able to resist the military enthusiasm of the Saracens and the Turks, without the aid of another kind of fanaticism, which was excited and nourished in them by means of that spirit.

Some very eminent writers have thought that the origin of this institution was a voluntary association of private men, to defend the publick and particulars, but more especially women, from the many grievous disorders that infested all Europe upon the decline of the family of Charlemagne. But Mr. Selden takes notice, that some traces of it occur in that emperour's reign; and both he, and our other great antiquary, Spelman, incline to derive it from a custom of much earlier date, namely that observed by Tacitus among the ancient Germans, of giving arms to their young men in the publick assemblies, and the adoption *per arma* practised by the Goths and some other barbarous nations. But whether it first came from Germany, or from the Lombards in Italy, among whom the most evident marks of it are found, the commencement of it was certainly prior to the epocha abovementioned. Nevertheless it is probable, that the confusion and violence of those times made the practice of it more general as being more necessary; and might also occasion the consecrating of it with solemn vows and religious rites. The first mention made of those ceremonies in England is by Ingulphus, who wrote under the reign of William the Conquerour. He says, it was the custom of the Saxons in England that the person who was to be knighted should prepare for it by confession and absolution of his sins the evening before, and, afterwards, by watching all night in the church: that in the morning he should offer his sword on the altar, and receive it blest from the priest, who, with a benediction

Tieroffen.
pars ii. c. 5.
sect. 34.
Ibidem, c. i.
sect. 48.
Spelm. Gloss.
MILES.
See also Pere
Daniel Hist.
de France,
Charlemagne
& Hist. de la
milice Franc.
t. i. l. iii.
c. 4.
V. Paulum
Diaconum.
Spelman, ut
suprà.
Selden, ut
suprà.

diction to him, should put it about his neck, after his having heard mass and taken the sacrament. But, in the account which is given by William of Malmſbury of Athelſtan's being knighted by King Alfred his grandfather, nothing is ſaid of theſe rites, though the hiſtorian particularly mentions the giving him a ſword and a rich belt, with a crimſon or ſcarlet robe, as the enſigns of knight-hood. And Ingulphus adds, that the Normans abominating this manner of conſecrating knights deſpiſed thoſe who were ſo made, and altered the cuſtom. Nevertheless it is certain, that ſome of theſe ſacred forms were uſed in England, as well as in France for ſeveral ages; particularly the receiving of the ſword from the altar. Other ceremonies alſo were practiſed, that are not named by Ingulphus, and of which the moſt eſſential appear to have been, the bathing the candidate, and after his being ſo purified, the girding him with his ſword, the putting on his feet a pair of gilt ſpurs, and ſtriking him gently with a ſword on the neck, head, or ſhoulders. When theſe things were done in the royal palace, and ſome of them by the hands of the king (as they frequently were) the ſolemnity was graced by the ſongs and muſick of minſtrels, who attended on the knight, and by many other marks of rejoicing and honour. Robes of different colours were alſo given to him at the expence of the crown. In the hiſtory of the Exchequer I find an account of thirty three pounds, for three robes of ſcarlet, two robes of green, and other neceſſaries for making a knight, allowed by King John. But in ſome accounts of the reign of Henry the Second the expence of this ceremony is not near ſo great; which may have been owing to his better œconomy. A difference was made in the dreſs of knights and eſquires, it not being permitted to the latter to wear any gold, though they were of the higheſt quality; and from hence, I ſuppoſe,

v. Malmſb.
de geſtis Reg.
Angl. l. ii.
c. 6.

See Selden's
Titles of Hon.
par. ii. c. 5.
ſect. 35.
Johan. Sariſ.
de Nugis
Curialium,
l. vi. 20.
Pet. Bleſenſ.
epiſt. 94.
See P. Dar.
Hiſt. de la
milice Fran.
l. iii. c. 4.
p. 99.
Upton de
Militari Offi-
cio, l. i. c.

See Madox's
Hiſt. of the
Exchequer.
c. 10. p. 205.
Rot. 6. J.
Rot. 16. a.
Kent.
Ibid. Mag.
Rot. 2 H. II.
Rot. 12. 6.
Mag. Rot.
22 H. II.
Rot. 1. 6.

as well as from the gilt spurs given to knights at receiving the order, they were distinguished by the name of *Equites Aurati*.

See Upton
de Re Mil-
tari, l. i. c. 3.
Selden's Tit.
of Hon. c.
5. sect. 34.

In time of war and actual service the abovementioned forms were much abridged. The person who was to be knighted presented a sword to the king or commander in chief, if the king was not with the army, and desired to receive the order of knighthood, which was given him with no other ceremony than a stroke on the neck with that sword. Before an assault, or a battle, or any perilous action, it was customary to make a number of knights in this manner, as an encouragement to those who were thus chosen out from all the esquires there present, to act not unworthily of the dignity they received. The same thing was done at the conclusion of a battle or siege, or other military exploit, as a reward to those who had distinguished themselves by their valour. And this was justly esteemed the most honourable knighthood.

V. Division
du Monde.
Selden's Tit.
of Hon. par.
ii. c. 3. sect.
24.

In France the order was given with the following words: "I make thee a knight in the name of God and My Lord St. George, to maintain the faith and justice loyally, and defend the church, women, widows, and orphans." In the empire the

See Selden,
ib. c. 1. sect.
60. c. 5.
sect. 35. L.
vi. 10.

oath, anciently taken by the knights at receiving the order, was to the same effect. But John of Salisbury, in his book *De Nugis Curialium*, which appears to have been written under the reign of King Stephen, says, that in England, for the most part, it was then become the fashion not to administer any oath to the knights. Yet he labours to shew, that, by the indispensable duty of their office, they were tacitly bound to the defence of the church; and avails himself (as does likewise Peter de Blois, who wrote not long afterwards) of the ceremony of their taking their swords from the altar, as indicating a profession of their having received it to the defence and honour of the priesthood, the

V. Epist. 9.
Petr. Blesen.

assistance

assistance of the poor, the punishment of evil deeds, and the freeing of their country from tyranny or oppressions. Indeed both these writers add, that many of the knights did in no wise act agreeably to such a profession, but as if they had vowed the very contrary; especially, with regard to the church. Yet the general opinion of their being engaged to serve and defend it must have contributed greatly, in the age that I write of, to promote the crusades: as the entering into that warfare appeared only a consequence of the original obligations, which every knight had contracted in receiving his knighthood. And in the next age it induced them to draw their swords with equal zeal against the Vau-
dois and Albigenes, whom the clergy represented to them as enemies to the church and catholick faith.

Every knight had a power, inherent in himself, to make other knights, not only in his own country, but wherever he went: and (what seems more extraordinary) knighthood was sometimes conferred in England by those who themselves had it not, and were indeed incapable of it, viz. bishops and abbots. William Rufus was knighted, in his father's life-time, by Lanfranc archbishop of Canterbury. The foundation of this must, unquestionably, have been a notion, that the order, being conferred with sacred rites and forms of prayer, was a kind of religious institution. During the reign of King Stephen we find that the earl of Gloucester knighted his brother, who was afterwards earl of Cornwall; and other examples occur of the same power being exercised, for several ages, by private persons in England, without the authority of a royal commission. Nay, our kings themselves have been knighted, by the hands of their subjects; as Henry the Sixth by the duke of Bedford's, and Edward the Sixth by the duke of Somerset's. Knighthood was therefore distinguished from all other honours and dignities

dignities in the state by this remarkable difference, that those were supposed to be derived from the king, as their fountain and head; but this might be given to the king himself by his subject. It might also be given by any sovereign prince in the territory of another, and the rank assigned to it was the same in all Christian countries.

The poet Gunther, who was contemporary with Henry the Second, says in a Latin poem, that the Emperour Frederick Barbarossa, the better to repel the enemy from his borders, and defend his country by the superior force of his arms, granted knighthood to many persons of low and vulgar birth, which in France would have been thought a stain to that dignity. And from a passage in Glanville (of which I shall say more hereafter) it may be inferred that in England, under Henry the Second, even enfranchised villeins, born in servitude, were sometimes knighted. Yet this, I presume, was only done, when they had performed very extraordinary actions in war, after having obtained their freedom.

See Madox's
Baronia, l. i.
c. 6. p. 130.

In the reign of Henry the Third the honour and lands of Roger de Somery, baron of Dudley, were seized by the crown, *because he did not come to the king to be girt with the belt of knighthood*. And in the nineteenth year of the same king all the sheriffs of England were commanded to make proclamation in their respective counties, that all who held of the king in chief one knight's-fee, or more, and were not yet knighted, should take arms and get themselves knighted, before the next Christmas, as they loved the tenements or fees which they held of the king. Whether, in the times that I write of, any compulsion was used to oblige men to be knighted, I cannot positively affirm: but as Mr. Madox, in his history of the Exchequer, has given no records of any fines having been levied on that account, or proclamations issued to enjoin it, till the reign of Henry the

the Third, and many in and after that reign, the presumption is strong, that it had not been the practice before the death of King John.

Indeed it seems a deviation from the original principle of this institution. For one cannot but think it a very great inconsistency, that a dignity, which was deemed an accession of honour to kings themselves, should be forced upon any; and still more, that such numbers of a lower rank of gentry should be obliged to receive it, as a duty annexed to their fiefs. *Guillaume le Breton*, who wrote under Philip Augustus, says of a young nobleman, who had distinguished himself in the army of France at the battle of Bouvines, that he was worthy to be made a knight, both by his family and by his *actions*.

There is also in a French treatise of no little authority upon this subject the following passage: V. La Salade, fol. 54.

“An esquire, *when he has travelled much and been in many exploits of arms, out of which he has come with honour, and who has an estate sufficient to maintain the rank of knighthood* (for otherwise it would be no honour to him, and it is better to be a good esquire than a poor knight) ought to desire any lord, or valiant knight, to knight him, in the name of God, &c.” Here not only the being possessed of a competent fortune, but the having given many proofs of personal valour, is made a necessary qualification for the attainment of knighthood; and it is spoken of, as an honour which the esquire was to gain, not as a burthen imposed upon him by law or tenure. A learned member of the French academy, who has lately enriched the republick of letters with some excellent observations on ancient chivalry, has shewn that, in France, the education given to those who aspired to knighthood was excellently calculated to make them good soldiers, and instruct them in all the duties of that noble profession. Undoubtedly the same methods were used in England; for our first kings of the

Norman

V. Memoires
sur l'ancienne
Chevalerie,
t. i. l. i. &
Notes.

Norman race introduced into their courts the fashions and manners of France with little alteration ; and most of our nobility, during the times which I write of, being of Norman or French extraction, and keeping up a perpetual intercourse with their countrymen, the plan of education in France must naturally have been thought the best they could follow. Among the French a young gentleman, destined to arms by his parents, was usually taken, when he was seven years old, out of the hands of the women, who till then had the care of his breeding, and remained *a page* till fourteen, in the family of some knight : after which he served seven years in the quality of *esquire*, and was then knighted : but this term of pupillage and of service was frequently abridged, and knighthood was given to some persons at sixteen or fifteen years of age, if they had an extraordinary forwardness and maturity of strength, or were of very high rank, as princes, or the sons of princes. Sir H. Spelman says, that, with the English, fifteen is accounted the lawful age of knighthood : but he observes that two of our kings were knighted when they were much younger, namely, Edward the Sixth in his tenth year, and Henry the Sixth in his fifth.

See Spelman's Remains, De milite disert. p. 175.

V. Memoires for l'ancien-ne Chevalerie, t. i. p. 95, 96.

Every knight had his lady, to whom he vowed faithful service, whose favours he wore in tournaments and in battles, and for whose honour he was always prepared to combat, with no less zeal and enthusiasm, than for the defence of the catholick religion itself. This was inculcated to them in the first rudiments of their education : for an old chronicle tells us, that, *together with their catechism, the young gentry were taught the art of love*. The great purpose of these instructions was unquestionably to make the passion of love an incitement to valour, and likewise to humanise and subdue the ferocity of their manners. Both these ends were accomplished ; the first in a high degree, and the latter as far as the
general

general barbarism of the times, in other respects, would permit. By some passages in ancient writers, who treat of chivalry, it appears, that in the lessons of love which were given to the candidates for the order of knighthood, a kind of *Platonic refinement and purity* was inspired : but we learn from the history of those ages, that these sentiments were very seldom of much more use to secure the chastity of the ladies, than the enchanted armour, which some knights imagined they wore, was to guard their bodies from swords or lances.

The very amusements of chivalry were a perpetual discipline and school of prowess. Enough has been said before of tilts and tournaments, and other methods of exercising the courage of the knights, in times of peace. But when their own country did not furnish them with sufficient opportunities of displaying their valour, so impatient were they of ease, and so desirous of glory, that they often went into foreign lands, *to seek adventures*. If any enterprise of great peril was undertaken by a knight, he often associated with him *a brother of arms* : which fraternity was esteemed so close a bond, that their obligation to aid each other was only subordinate to the loyalty due to their sovereign ; nor is it probable (if we consider the temper of the times) that, when such an engagement had been cemented by common dangers and benefits, it could be always kept subject even to that limitation. We are assured by a learned antiquary, that the compact was sometimes ratified, by the parties opening their veins, and mingling their blood, to signify that each of them was ready to shed his, in defence of the other. A near relation was also contracted between the person who received the order of knighthood, and him who conferred it ; the imparting of that honour being deemed a kind of *adoption*, not, indeed, with re-

V. Du Cange
Dissert. à la
suite de Join-
ville.

gard to the right of inheritance, but to a communication of paternal and filial affection.

All this seems quite *romantick* : and indeed the old romances are no contemptible histories of the manners of those times. The knight-errantry they describe had then a real existence. The gallantry of the knights to the ladies, which had an air of devotion ; their presenting them with the prizes they had won in their tournaments, and even with the prisoners they had taken in war ; their delivering captives, especially of the fair sex, from castles, where they were violently detained and injuriously treated ; their pursuing assassins, or robbers, to punish and destroy them without form of law ; and their obliging lords of castles to abolish *evil customs*, which they had caused to be observed in their districts or manors ; all these things, which are feigned of knights, in the French and Spanish romances, were often done in real life, and arose out of the principles of knighthood itself, the disorders of the feudal government, and the spirit of the times. Even the most incredible fictions in these books, the forceries and enchantments, had a foundation in the established faith of those ages, and in the many superstitions which the Christian religion, as well as the Jewish, the Mahometan, and the Pagan, was then over-run with : so that what in these days appears to us the delirium of a wild imagination, was in those the universal creed of mankind. The extraordinary honours paid to knights, in castles, in cities, and in the courts of great princes, are likewise truly represented by the description given of them in old romances : but besides these, which they enjoyed in every country, from the courtesy of the times, they had in England some *legal distinctions and privileges*, granted to the whole order, and which

which shew the high estimation of it in the eye of the law.

Mr. Selden takes notice of it, as “ a special
 “ honour to knighthood, that though it be regular-
 “ ly supposed in law that no heir of a tenant by
 “ knight-service is able to do the service himself,
 “ until he be of the age of one and twenty years
 “ (which is the reason and ground of all our ward-
 “ ships of male-heirs) yet if any such be knighted
 “ either in the tenant’s life-time, or after his
 “ death, of what age soever he be, he is adjudged,
 “ for that purpose only, as of full age, and the
 “ wardship of his body in the one case is prevented
 “ by it, and in the other ends with it. For, in
 “ regard that, by the laws of honour, he is ad-
 “ judged to be a knight, therefore, by the common
 “ law, he is likewise adjudged so able to do the
 “ service, as that his body needs no further tuition
 “ of a guardian over it.” But the same author
 observes, that, by the grand charters both of King
 John and Henry the Third, though the wardship
 of the body be ended by the tenant’s receiving the
 order of knighthood, yet the land was to continue
 in the custody of the lord, till the heir was of the
 age of twenty one years. “ From this reason, (says
 “ he) it was, that under Henry the Second, some
 “ are fined for procuring others than the king to
 “ knight any of the king’s wards; whereby he
 “ lost his wardship of the body.” Other privi-
 leges of knighthood in judicial proceedings are
 mentioned by Mr. Selden, as “ that the grand
 “ assize in a writ of right (which is as a jury, and
 “ the highest trial by oath that is in the law) is to
 “ be chosen by knights, and out of knights, if
 “ they can be found.” It appears by Glanville
 that this was law under Henry the Second. And
 in the Pipe rolls of that reign one is fined at a

Titles of
 Hon. part.
 ii. c. 5. sect.

37.

hundred pounds for striking a knight; and another at forty marks, because he was present when the knight was compelled to swear, that he would not complain of the injury done to him. These instances shew a great regard in the law to the honour of knighthood : for a hundred pounds was in those days a very high fine. I take no notice here of any distinctions given to knights in later times, which I am not sure were enjoyed by them during those that I write of. But it appears by the dialogue *de Scaccario*, that, under King Henry the Second, the horses and arms of a knight who had a good reputation were not to be sold, even for the payment of his debts to the king, upon a process out of the Exchequer; but were to be privileged, that, whenever there should be occasion, he might be called out, well furnished with these necessaries, to serve the king and kingdom. The ransoms paid to knights for the prisoners they took, and the share assigned to them, by custom, of all the booty and spoils that were gained from an enemy, furnished them with ample means of advancing their fortunes : but they had moreover rich presents made to them by the princes, or nobles, they served, upon the performance of any eminent feats of valour. And as every knight was permitted, by the law or usage of the times, to offer his sword occasionally to different potentates, when they were not in an actual state of hostility against each other, it often happened that the same person was enriched by the munificence of several courts. It was indeed the interest of a king, or any great feudal lord, to let his knights seek employment wherever reputation was to be gained, if he himself had no immediate want of their service, in order to keep up the fame of his chivalry; and that they might return to him more experienced
and

and improved in the art of war. By this means that militia, in which the principal and peculiar strength of the feudal governments lay, was kept in constant exercise, and frequent actual service ; without which no militia can ever be equal to a veteran standing army. And it is very remarkable, that, although the nobility and gentry of England were bound to fight for their king and country by the lands which they held, yet the policy of our fore-fathers thought it necessary to add all these further rewards of honorary distinctions and other emoluments, that they might perform their duty with more alacrity, and make themselves equal to so high and important a trust as the safety and glory of the nation. It may be truly said, that the grant of the military fiefs gave *a body* to *chivalry* ; and these institutions *a soul*. Not is it probable that without some encouragements of this nature, which raised and kept up in the military tenants a strong martial spirit and ardour for the service, they would ever have been such good soldiers as we find they were, or would not, after some time, have degenerated, as other militias have done, into a force merely nominal, and of no more real use to the security of the kingdom, than the rusty armour and lances, hung up in old Gothic halls, rather as images of ancient prowess, than instruments of present defence. But, from the methods here described (wherein I think we may discover a deeper meaning, and better sense, than is generally supposed) the feudal militia acquired a vigour and an energy, which no laws could give to it, and which can only be surpassed by the most exact discipline of regular armies, inured to war. Indeed it never quite sunk, till *the spirit of chivalry* began to grow out of fashion, and was even rendered the object of ridicule ; a misfortune into which every species of heroism is apt to fall, from the near af-

finity that there is in morals, as well as in writings, between *the sublime* and *the extravagant*; and from the proneness of human nature to undervalue that, which it finds to have been overvalued.

When the order of knighthood was accounted the highest honour, to be degraded from it was thought the most ignominious punishment that a gentleman could endure. This was done by the ceremony of taking from the delinquent the proper ensigns of knighthood, which had been given to him at his creation, namely, the sword and gilt spurs. But I do not find any instance of such a degradation in the times that I write of, except, perhaps, in the case of Henry de Essex, who, it may be presumed from the words of a contemporary historian, was deprived of his knighthood, with the marks of infamy abovementioned, before he took the habit of a monk, in consequence of his having been vanquished in the duel with Robert de Montfort.

It is of the highest benefit to society, and what a wise government will endeavour, with all it's skill, to procure, that men should not hope to be greatly honoured, or respected, from the accidental advantages of birth or wealth, without personal merit. And this good did our ancestors derive from the institutions of which I am treating. They were taught, that not the highest hereditary dignities, nor the largest possessions annexed to those dignities, could entitle them to respect, without the order of knighthood and the practice of those duties, which the rules of that order exacted from it's members; duties quite incompatible with indolence, with effeminacy, with any thing sordid, or pusillanimous. These instructions, when they met with good dispositions, would naturally produce great effects: and whoever reads the ancient chronicles of England and France will find, that not only a general passion for military glory, and
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a most active courage, but some as fair and noble fruits of heroick virtue were raised, by this northern method of culture, as ever grew in the rich soils of ancient Greece and Rome. The *Black Prince*, who was entirely formed on the lessons of chivalry, is alone a sufficient proof of this assertion. I will add that the two last, who appear to have fashioned themselves upon the same model, and to have possessed in perfection all the virtues of their order, were, in France, the *Chevalier Bayard*, and, in England, Sir *Philip Sidney*. Indeed the idea of *honour*, in the sense we understand it, as something distinct from mere probity, and which supposes in gentlemen a stronger abhorrence of perfidy, falsehood, or cowardice, and a more elevated and delicate sense of the dignity of virtue, than are usually found in vulgar minds, seems to have arisen from the notions of chivalry. But here lies the great difference between the institutions of the Greeks and the Romans, and those of which I am treating, in forming men to the service of the publick: the education given to youth by the wisdom of those states, the course of life it brought them into, and the several objects it held out to excite their ambition, tended no less to make them able statesmen, than virtuous citizens and brave soldiers: but the precepts of chivalry, and the whole progress of knightly accomplishments, had little regard to the improvement of the intellectual faculties. Good learning and the arts of policy were so far from being studied with a proper application, that they were generally left to clergymen, as derogatory from the noble profession of arms: and even the armies of those times had in them much less of a strict and regular discipline, than of disorderly valour and impatience for action, which, together with the diversity and

uncertainty of the commands to which they were subject, under different feudal lords, and the frequent quarrels of those lords, produced great confusion; and often occasioned their defeat, and the miscarriage of their enterprises. It is also evident, that the multitude admitted to knighthood diminished it's dignity, and made it impossible that *the moral rules of the order* should be generally observed.

Whether in the times of which I write we had any *knights bannerets* is not very clear. The name does not occur in our histories or records before the reign of Edward the First. But Duchesne has published a list of French bannerets in the time of Philip Auguste, where those of Normandy, Anjou, and the other dominions of the house of Plantagenet are set down. It is more than probable that they enjoyed the same dignity in the reign of King Henry the Second, the latter part of which coincides with the first years of the monarch above-mentioned. In reality, this was not a new order of knighthood, but only a higher rank, conferred by the sovereign, or by the general of a royal army, on some of that order, who were richer than others, and were followed into the field by a greater number of vassals. The nature of it, and the manner in which it was given, will best appear by the following instances from history and records. When Sir John Chandos was in Spain with *the Black Prince*, just before the battle of Navarret, fought to restore Don Pedro to the throne of Castile, he came to the prince, and delivered into his hands his own banner folded up, with these words: "My Lord, here is my banner, which I present to you thus; that it may please you to unfold it, and give me leave to set it up in the battle to day. For (God be thanked) I have
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See Froissard
Chron. and
Selden's
Titles of Honour,
par. ii.
c. 5. Sect.
39.

“ very sufficient means in land and inheritance to support the state and expence it requires.” The prince and the king of Castile, who stood by him in the field, unfolded the banner and returned it open to Chandos, saying to him these words : “ Sir John, here is your banner ! May God assist you to gain honour with it by your valiant actions.” He then went back with great joy to his people, and said to them “ My fellow-soldiers, behold ! here is my banner, and your’s if you will guard it, as you ought.” They received it very gladly, saying, that, by the help of God and St. George, they would guard it bravely, and do their duty. After which it was left in the hands of William Alery, an English esquire, who bore it in the fight with great valour. I cannot conclude this subject without taking notice of a strange inconsistency, that, in an age which hallowed and consecrated knighthood, a synod assembled in England, under William the Conqueror, should injoin every knight, or military tenant, who had been with that monarch at the battle of Hastings, to do penance, during one year, for every man whom he knew he had slain there, and during forty days, for every man whom he knew he had struck, and if he was ignorant of the number whom he had slain or struck, to do penance, at the discretion of the bishop of the diocese, one day in every week as long as he lived ; or (if he were able) *redeem it with perpetual alms, by building or endowing a church.* This alternative was, I presume, the real motive, that induced them to be guilty of such a glaring absurdity, as to inflict these penances upon soldiers, for killing or striking their enemies, in the prosecution of a war, which they themselves admitted to be lawful ; without even excepting those, *who*, they say in the preamble to these very canons, *did of right*

See Spelman.
Constitutiones,
vol. ii. p.
12.

owe military service to William duke of Normandy. But there is one of these canons, which, for the benefit of mankind, I wish were received by all nations. It is the sixth; which says, "*Let those who fought only for hopes of a reward (that is, without being authorised by their duty to their sovereign or their country, and having no regard to the cause they fought for) know, that they ought to do penance as for murder.*"

See Coke's
Instit. vol. i.
c. 6. l. ii.
sect. 133,
134.

Some mention has before been incidentally made of tenures *in frank almoign* and of tenures *in socage*; which it will be necessary to explain more particularly here. Lord Coke says, "*no lay person can hold in frank almoign.*" and according to Lyttelton, upon whom he comments, "*a tenant in frank almoign is where an abbot, or prior, or other man of religion, or of holy church, holdeth of his lord in free alms.*" With regard to the service required by this species of tenure the same author tells us, "*that they which hold in frank almoign are bound before God to make orisons, prayers, masses, and other divine services for the souls of their grantor or feoffer, and for the souls of their heirs which are dead, and for the prosperity, and good life, and good health of their heirs which are alive. And therefore they shall do no fealty to their lord, because that this divine service is better for them before God than any doing of fealty; and also because the words frank almoign exclude any earthly or temporal service.*" This passage itself is a proof, how necessary it was to restrain the zeal of our ancestors from too many grants of this nature, by the statute of *mortmain*.

Under the government of the Saxons all the bishops of England, and such abbots and priors as held their lands of the crown, held by this tenure; and in the first part of this work it has been observed, that the changing those estates into baronies

nies subject to homage and fealty, and held of the king by knight-service, was an important alteration, made by William the First and his parliament, in the English constitution. But it has likewise been remarked, that it was not understood in the sense of the law, that these spiritual barons, because their lands were thus charged with a military service, were bound to perform that service personally, like the temporal barons. They were either to find other men to do the duty for them, or to pay fines to the king; as appears by this record, which is cited by Madox, in his history of the Exchequer: “ King Edward the Second had summoned his army to march against Scotland, and had ordered proclamation to be made, that all persons, of whatever state or condition, who owed him service in his army, should be ready to attend him in person. Nevertheless by this writ he commanded the treasurer and barons of the Exchequer to accept of *fines* at the rate of forty pounds for a knight’s-fee, to be paid to the king’s use, by *archbishops, bishops, religious persons*, (id est, *abbots and priors*) widows, and other women who owed service in that army, and were desirous to pay fines instead of performing it, or *sending others to do it for them.*” Sir Thomas Lyttelton also says, in his book upon Tenures, often quoted before, *that an abbot or any other man of religion or a woman sole that holdeth by such services, ought not to go in proper person.* It would certainly have been indecent for any ecclesiasticks to be obliged to bear arms: and the putting them, in that respect, upon the same footing as women possessed of knights-fees was agreeable to the wisdom and decorum of the law: but there was no impropriety in their being required to find the king of whom they held their baronies, either soldiers or money in lieu of their personal service;

nor

nor in their vassals being bound to serve him in person. Yet they perpetually endeavoured to confound this distinction; as if the functions of all who belonged to them had been as sacred as theirs; and as if their very lands had partaken of the holiness of their spiritual character. On the other hand, they did sometimes *personal service*, notwithstanding the canons which the church had made against it, and though they might have acquitted themselves of their duty to the state, by the means abovementioned. As several bishops were younger brothers of the most noble families, the martial fire in their blood, the example of their relations, and the spirit of the times, prevailed over the decencies of their profession, and the bishop was lost in the baron.

See Coke's
Instit. vol. i.
c. 5. sect. 118.
l. ii. p. 86. and
lib. ii. c. 8.
sect. 158.

With respect to tenure in socage, Sir T. Lyttelton says, "that every tenure, which is not tenure in chivalry, is a tenure in socage." But he gives this definition, because he reckons grand-serjeanty a tenure in chivalry, which (as hath before been observed) must be understood with some restrictions. The same author likewise tells us, "that tenure in socage is where the tenant holdeth of his lord the tenancy by *certain service*, for all *manner of services*," excluding only knight-service. Which description is too extensive for the derivation he afterwards gives of the word socage, from *soca*, a plough, though that is founded upon an authority as old as the reign of Henry the Third. Sir H. Spelman observes, from the antient book of St. Albans, that *socmen* (or tenants in socage) signified *freemen* in the genuine sense of the word. All the king's tenants in antient *demesne* held of him by socage tenure: but that all these did not hold by *the service of the plough* the unquestionable evidence of Domesday-book will evince. In Glanville's

V. Glossary,
SocMAN.

ville's treatise frequent mention is made of *free socmen*, and from what that author says relating to them (of which I have given some account) it is plain that their property and rights of inheritance were taken no less care of by the law in his times, than those of tenants by *knight-service*; though the latter was the higher and more honourable service. Nay, in some points it appears that they had more liberty than the military tenants, that is, the feudal bonds were less strict upon them and their families. Yet in Domesday-book they are distinguished from other free tenants, called there *liberi homines*, by not having the power, which these enjoyed, of giving away, or selling their estates, without leave of their lords. It seems that these *liberi homines* were a remainder of the *alodial* tenants of the Saxon *folkland*, that is, land of the vulgar, opposed to *bockland*, or *thaneland*. A certain number of them was necessary to constitute a manor; and therefore, when that number was incomplete, some who held in villenage were enfranchised, to make it up; as appears by the testimony of the record abovementioned. We also find there, that some who were in possession of this *alodial freedom* thought it more eligible to seek a defence and protection, by recommending themselves to the *patronage* of some feudal lord, or even of two lords, if the situation of their lands made it necessary for them to have two protectors. It is probable that this practice, becoming more general, in process of time put an end to this species of tenure. The services which were performed by them to the lord of the manor, in their *alodial* state, were *predial* and *rustick*. A certain number of *free socmen* (as well as of these) appears to have been necessary to every lord

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See Domesday book.

See Spelman's Gloss.
Soc. Fleta,
l. i. c. 47.
Somner on
Gavelkind,
f. 133.
See Coke's
Instit. vol.
i. c. 5. l. 2.

Spelman's
Counc. vol.
ii. p. 47.

L. ii. c. 10.
sect. 162.
163, 166, 167
168, 169.
See also
Craig, Jus
Feudal. p.
121.

of a manor, for holding the pleas of the manor court, which the Saxons called *soke*. or *soc*, a word signifying a franchise, or jurisdiction to which a franchise was annexed. And it is from this that some derive the terms socmen and socage, with great appearance of truth. Some of the lands held in socage were held by *base services*, and *at the will of the lord*: but the definition given of it by Lyttelton, and by others of the greatest authority, excludes from it all tenures where the service was *uncertain*. Among the legantine canons made at London, by the bishop of Winchester, in the reign of King Stephen, I find one which says, *That the plough and husbandman in the fields should enjoy the same peace as if they were in the church-yard*. This sanctuary given to the tillers of land in their own grounds would have been of great benefit to the publick, if duly regarded. But the civil war paid little respect either to spiritual or temporal laws. According to Lyttelton *burgage tenure* was one kind of socage, but with *various customs*, which it will not be necessary to enlarge upon here, no more than to explain the *local customs* attending the Kentish *Gavelkind*, or any other peculiarities which did not affect the general policy of the kingdom. I shall conclude this account of the two great divisions of property, during the times that I write of, into knights-fees and socage tenures, with remarking how materially our constitution was changed by the statute of the 12th of Charles the Second, which declared *that all tenures by knight-service of the king, or of any other person, and by knight-service in capite, and by socage in capite of the king, and the fruits and consequences thereof, shall be taken away or discharged; and that all tenures of any honours, manors, lands, tenements, hereditaments*

hereditaments, &c. are turned into free and common socage: thus extending that tenure, which, for several ages, was reckoned comparatively mean and ignoble, to all the estates of our nobility and gentry, who would have antiently thought it the greatest injury and dishonour, to have had their possessions so levelled with those of the vulgar. Yet to this change, which a gradual alteration of manners and juster notions of government had prepared us to receive, is owing much of the happiness of our present condition. But at the same time it has obliged us to seek for other methods of giving a military strength to the kingdom, consistent with our monarchy, and not dangerous to our freedom: a matter of no little difficulty; but which, if brought to perfection, would secure and perpetuate the advantages, which we have over our ancestors, in the civil policy of the kingdom.

After this general view of the state of the nobility, gentry, and freeholders, under the kings of whose government this history treats, it will be proper to give likewise some account of those persons, to whom the national liberty did not extend, though in respect to their numbers they were no inconsiderable part of the people.

In Domesday-book, that great record of the ancient state of this kingdom, a distinction is made between *villeins*, who were affixed to a manor, and others of still a lower and more servile condition, distinguished by the names of *bordarii cotarii*, and *servi*; the two first of which seem to have rented small portions of land, and the last to have been hinds, or menial servants abiding in the families of their lords. According to Spelman these were again subdivided into *nativi* (slaves by birth)

V. Spelman's
Gloss. BOR-
DARI, CO-
TARIUS,
SERVUS NA-
TIVUS

See his treatise on Feuds and Tenures, c. 5. 7.

birth) and *bondi* (freemen who had voluntarily, and by *bonds* which they had given, put themselves into servitude, for the sake of a maintenance.) Yet in other places he gives the appellation of bondmen to all below the degree of *ceorls* or *free socmen*. And it must be observed, that in Glanville the *nativi* are comprehended under the term *villenagium*, which is used by that author synonymously with *servitude*, and in opposition to *freedom*; as a *state*, not a *tenure*. His whole fifth book relates to this subject, and contains the methods and forms of law which then were in practice, for the decision of disputes between different lords concerning their rights to a villein, or where a person who was in villenage (*in veilenagio positus*) or was claimed as a villein, asserted himself to be free. The trial was required to be in the king's court, and the proof by producing in court the nearest relations to the person so claimed, or so demanding his freedom, and proving their condition. If it appeared that they were free, he was freed; but if a dispute or doubt arose concerning their liberty, or whether those produced, on either side, as the nearest relations, were in fact so, or not, recourse was had to a jury of the neighbourhood, to try the fact, that it might be determined by their verdict, according to which the judgment was to be given. If a free-woman was married to a *villein by birth*, she lost her freedom during the life of her husband, and their children were born to the same state of servitude, which was continued to all the succeeding generations, unless their lord enfranchised them by his own act. Nay, we are told by Glanville, that in his time, if a freeman married a woman born in villenage, and who actually lived in that state, he lost there-

▼ Glanville,
! v. c. 6.

Ibidem.

thereby the benefit of the law (that is, all the legal rights of a freeman) and was considered as a villein by birth, during the life-time of his wife, on account of her villenage. He says also, that if a man born in villenage had children by a woman born in the same state, under a different lord, the children ought to be equally divided between the two lords. This was absolutely putting children upon the same foot as cattle, or other stock on a farm, without the regard that is due to the inherent freedom and dignity of human nature.

According to Glanville a villein might be enfranchised several ways. As, for instance, if his lord, being willing to give him his liberty, had proclaimed him free from all right that he or his heirs might have to him, or had given or sold him to another, *in order to his being enfranchised*. But he says, "that no villein could acquire his freedom with his own money: for, notwithstanding his purchase, he might, according to the law and customs of the kingdom, be brought back into villenage: because all the goods of a villein born belonged to his lord, and therefore from him he could not redeem himself with his own money; but with that of another man he might be redeemed, and maintain his freedom for ever against his lord." The same author says, "if a villein born had remained quietly (that is, unclaimed by his lord) "a year and a day, in "any *privileged town*; so that he had been received into their community or *gylde*, as a citizen, he "was thereby freed from his villenage." By

L. v. c. 5.

Ibidem.
See also
Leges Gul.
Conq. 66.
Wilkins, p.
229.

privileged town is meant a town that had franchises by prescription or charter; and this communication of liberty from thence to a villein, residing among them so short a time, shews a high regard in the law to such corporations, and likewise a desire to favour enfranchisements, as much as the settled rules of property would admit. According to

Bracton, a quiet residence, of a year and a day, upon the king's demesne lands, would also enfranchise a villein who had fled from his lord. In one of the laws of William the Conqueror it is said, "If any one is willing to free his slave, let him deliver him by his right hand to the sheriff, in the full county court, and proclaim him discharged, by manumission, from the yoke of his servitude; and let him shew him the doors open and his way free, and put into his hands *the arms of a freeman*, namely, a lance and a sword: which being done, he is made a freeman." This ceremony is remarkable; as it shews that, in England, during the times I write of, the bearing of such arms was a privilege so confined to freemen, that the imparting it to a slave was a mark of enfranchisement. It is observed by Glanville, "that, although any person might make his slave (or villein born) a freeman, *with respect to himself and his heirs, with respect to others he could not*. For, if any such villein, so freed, was brought into court, to hold any plea against a stranger, or to *wage law*, (that is, to purge himself or others by oath) he might be justly removed from thence, if his birth and villenage were objected to him and proved in court, even though he had been made a knight after having been so enfranchised." One may learn from this passage, how great a jealousy there was in the law of those times, with regard to judicial proceedings, when it went so far, as to exclude from them any man born in servitude, though he had not only obtained his freedom, but even the high dignity and honour of knighthood. According to Bracton, a slave enfranchised might be deprived of his liberty, and brought back to his former servitude, for ingratitude to his master. But from the same author we learn, that the lives and limbs of slaves were under the protection of the king; so that if a lord killed his slave, he would

See Wilkins
Leges Gul.
Conquest.
65. p. 229.
& 218.

.v.c. 5.

L. i. c. 6.
p. 5.

L. i. c. 9.

would not be less punished, than if he killed any other person. The chastity of female slaves was likewise protected from all violence, by the law of those times; and the goods of persons in villenage were secured against all others, except their lords. These were some mitigations of a state that would otherwise have been insupportable; but, upon the whole, the condition of the villeins in this kingdom was worse than that of the slaves among the ancient Germans: for those (as Tacitus tells us) had houses of their own, given to them by their masters, which they governed at their own pleasure, only paying to their masters a rent of corn, or cattle, or cloaths, without yielding to them any further obedience or service. Nor, in Germany, was the domestick or menial service in families performed by slaves (as among the Romans) but by the wives and children. Indeed the German and Gothick nations, in this and many other instances, shewed more humanity and regard to natural justice, than the Romans, who called them *Barbarians*. But how it happened that in England the Saxons departed so much from the ancient lenity of their country, in the treatment of their slaves, I cannot tell. Certain it is, that the Normans did not introduce this kind of servitude into England. There is a remarkable law of Alfred the Great, which enacted, “ That whoever *bought* a Christian
 “ slave should give him his freedom *gratis*, at the
 “ end of six years. And he was to depart with
 “ the cloaths he had brought with him, and with
 “ his wife, if he was married when he came to
 “ his lord. But, if his lord had given him a wife,
 “ she and the children he had by her are declared
 “ to belong to his lord. If he refused to go away
 “ because he was unwilling to part with *them* or
 “ his *heritage* under his lord, then his lord was to
 “ lead him to the door of the church, and bore
 “ his ears, as a mark, that from thence-forward

V. Tacitum
de moribus
Gerraano-
rum.

Tacitus, ut
suprà.

V. Leges
Ælfredi,
and Wil-
kins, Leg.
ii.

V. Leg. 12. “ he should always remain his slave.” It also appears by another statute of the same king, “ that a freeman might sell his daughter to another, as a slave ; but she was not to be in all respects upon the foot of other slaves : nor could her father sell her to any body *out of the kingdom*. If her master was not pleased with her after he had bought her, he was to enfranchise her and let her go to some foreign country. But, if he permitted his son to have her for a concubine, he was to make her a present, and see that she was well cloathed, and, as a compensation for the loss of her chastity, pay her a marriage portion : which, if he did not perform, she was made free.” I need not observe that the suffering a parent *to sell his daughter into slavery*, under any regulations, was a bad and barbarous custom. It was probably allowed for the sake of easing poor families of too great a burthen of children, which in many countries has occasioned much cruelty and injustice. What in these statutes was prohibitory, and favourable to slaves, did not extend to restrain or lighten the servitude of captives taken in war, of whom, and of whose posterity, the greater part of the domestick, or predial servants, among the Saxons, undoubtedly was composed. In the collection of laws enacted by King Canute, there is one which frees a slave, whose master had obliged him *to work on a holiday*, besides punishing the offence by a fine or mulct to the king. But it may be questioned whether this was the effect of humanity, or merely of superstition. The laws and policy of the Normans were favourable to enfranchisements ; so that in, and after the times, of which I write, the number of slaves must have continually decreased in England ; but yet, as in Lyttelton’s Tenures, which were written during the reign of King Edward the Fourth, there is a whole chapter concerning the state of persons in servitude, it is evident

V. Leg. Canuti 69.
Wilkins.

dent that many such were still remaining in those days. The practice of infranchisements growing afterwards more and more frequent, those who before had held in villenage became copyholders, and the domestick or predial slaves were made free servants and labourers : some even obtained freeholds ; and at length all remains of the ancient servitude were abolished. Nor is this a light difference in the comparative excellence of our present constitution above the ancient, and even above the admired governments of Greece and Rome. For, surely, whatsoever dishonours human nature, dishonours the policy of a government which permits it : and a free state, which does not communicate the natural right of liberty to all its subjects, who have not deserved by their crimes to lose it, hardly seems to be worthy of that honourable name.

In the times of which I write every county was divided into hundreds and tythings, which last were composed of ten freeholders with their families, who were all pledges to the king for the good behaviour of each of them, and obliged, if any person, comprehended in the tything, had committed a crime, to bring him to justice, or purge themselves, by the oath of the chief man of the tything, both of the guilt of the fact, and of being parties to the delinquent's escape. Every master of a family was also made a pledge for the good behaviour of his houthold, in which description it appears that all his villeins were contained. The first author of this remarkable plan of *police*, which has been mentioned with lavish praise by some historians and lawyers, was King Alfred the Great. Notice is taken of it in the laws of other Saxon kings, particularly in some ascribed to Edward the Confessor, which are quoted by Bracton, l. iii. c. 10. and upon his authority I incline to think, that so much of that compilation, as concerns this matter, is genuine ; though other parts

V. Leg. Gul.
I. Wilkins,
l. lxx. &
Ibidem, p.
218. V.
A.D. H. II.
factæ apud
Clarend. &
renovatæ
apud Northampton,
Leg. 4.

of it are not. The law of *frank pledge* was confirmed by particular statutes of William the Conqueror; and we have one of Henry the Second, which says, "That it shall not be lawful for any person in a borough or town to lodge in his house any stranger, whom he would not put under pledge, above one night, unless such stranger had a reasonable cause to alledge for his stay, which his host was required to declare to the neighbours; and the guest, when he departed, was not to go off, but in their presence, and by day." This exceeded the rigour of the ancient Saxon laws, which allowed two nights to a guest, without being put under pledge. I will say no more on this subject, but that these and other regulations relative to it, which need not be mentioned here, were much too strict a restraint on the intercourse of commerce and social life in quiet times, though they were an admirable security against crimes and disorders; and might be necessary in those ages when they were established or enforced.

Of the jurisdiction of the county and hundred courts, and of the king's court, in which presided the great justiciary of England; as likewise of the methods of trial then in use, and of the criminal law of this kingdom from the earliest times to those of Henry the Second inclusively, I shall treat in another place, when I consider the institution of annual circuits to be made by itinerant justices, and the statutes enacted by that prince at Clarendon and Northampton.

It is remarkable, that during the life-time of King Henry the Second, the Pandects of Justinian were discovered at Amalphi; and in emulation thereof compilations were made of the canon and feudal laws, at Bologna and Milan; and the first treatise upon the English laws was written in England: so that this age, however barbarous in other respects,

respects, made great advances in jurisprudence, the chief light and perfection of civil society.

The Code, the Novellæ, and the Institutes of Justinian had indeed been read and explained in the school of Irnerius at Bologna, before the Pandects were found by the Pisans at Amalphi, when that city was taken by them, in the year eleven hundred and thirty seven : and in France there were some copies of the Pandects themselves, as appears by citations from them in Ivo de Chartres antecedent to that time : yet the publication of this most ancient and authentick copy of them in Italy, where no other remained, gave a new spirit to the study of the Roman civil laws, in that country first, and, very soon afterwards, in all parts of Europe. About fourteen years from the taking of Amalphi, viz. in the year eleven hundred and fifty one, under the pontificate of Eugenius the Third, Gratian, a Benedictine monk at Bologna, published his *Decretum*, which was composed on the model of the Pandects, being a compilation, or digest, of the whole canon law, as those were of the civil law. And, as those contained a collection of the answers and opinions of all the greatest Roman lawyers, so did this of the opinions, decrees, and judgments, of fathers, doctors, popes, and councils. Thus far it was easy to carry imitation : but the Pandects are admired, by the most judicious critick, for their accuracy, clearness, and elegance : whereas the *Decretum* is a confused, immethodical compilation, full of errors and forgeries. Yet as it was calculated to promote the power of the church, and particularly of the papacy, the applause it met with from the clergy and the see of Rome was so great, that it soon obtained an authority superior to all the former collections, and became the great code of ecclesiastical law, on which the popish hierarchy supported their enormous pretensions. Such an union was also formed between

See Giannoni Hist. de Napol. l. xi. c. 2.

V. Craig Feudor. l. i. tit. 3. p. 23.

Craig, ut supra. Giann. l. xiv. c. 3. Father Paul De rebus benedictariis.

V. Arthur
Duck de
Auctoritate
juris civilis
Rom. c. 7.
p. 98.

the civil and canon laws, though in many points very different, that (to use the words of a learned writer) *they coalesced into one system and consmance, and were so tied together, and in so near a degree of relation, that the one could not subsist without the other* : for which he gives this reason, “ that the “ canon law was originally derived from the imperial constitutions ; and that whatever is most excellent in it cannot be denied to have flowed from “ the civil law.” Certain it is, that these laws, in the age I write of, and long afterwards, afforded a mutual support to each other ; the professors of both were the same ; and it was necessary for any clergyman, who desired to rise in the church, to be a civilian and a canonist.

V. Seld.
Dissert. in
Flet. p.
1094, 1095.
last edit. of
his works,
vol. iv.

There is a remarkable passage in one of the epistles of Peter of Blois, which Mr. Selden has taken notice of, in his dissertation upon Fleta. The words are these : “ In the house of my master, the “ archbishop of Canterbury, there are a sett of “ very learned men, expert in all the rules of justice, as well as other parts of prudence and “ knowledge. It is their constant custom, after “ prayers and before they dine, to exercise themselves in reading, in disputations, and *in the decision of legal cases. To us all the knotty questions “ of the kingdom are referred* ; which being brought “ forth into the auditory, where all the company “ assembles, every one, according to his rank, “ whets his understanding to speak well, without “ wrangling or obloquy, and with all the acuteness and subtilty, that is in him, declares, what “ he thinks the most prudent and sound advice. “ And if it pleases God to reveal the best opinion “ to one of the lowest among us, the whole assembly agrees to it without envy or detraction.” The persons who held these assemblies in the archbishop’s palace, and to whom *the most knotty questions* of

of the realm were referred, were probably clergymen and civilians. But it must be observed, that, in this age, clergymen were also *common lawyers*; many prelates were employed by the king as his justices, and William of Malmſbury ſays, that in the times when he wrote, *there was hardly an eccleſiaſtick who was not an advocate*. The questions referred to them might be alſo of a political kind, concerning the general laws of nations, the rights of embaſſadors, the obligations and conſtructions of treaties, and all the rules of peace and war. Nevertheless I do not doubt, that, under the government of Henry the Second, the civil law interwove itſelf, to a certain degree, into the ſyſtem of Engliſh jurisprudence. The real excellence of many of its rules and deciſions, in caſes of private property, muſt have greatly recommended it to ſo inquisitive and judicious a prince, and to thoſe who held the chief offices of judicature in his kingdom. But I ſhall have occaſion to obſerve, during the courſe of this hiſtory, that, in the puniſhment of offences againſt the ſtate, there is reaſon to think their regard to this law was carried too far, and made them deviate in ſome inſtances from the genius and principles of the Engliſh conſtitution, to the great prejudice of natural juſtice. Yet that, in other points, the law of England received great improvements, by the ingraftments made from the civil law, as well in this reign, as under many ſucceeding kings, can, I think, no more be diſputed, than that it was a wiſe jealousy and caution in the parliament, under ſome of thoſe kings, to prevent it from acquiring too great an authority, and encroaching too much on the common law of England; eſpecially in matters relating to government and the liberty of the ſubject.

V. Malmſb.
l. iv. de W.
ll. f. 69. 2.
10.

About the year eleven hundred and ſeventy, a compilation of the feudal laws, as practiſed in Lombardy, 47.

V. Craig
Feudor. l. i.
tit. 6. p. 46,

bardy, was published at Milan in two books, by two senators and consuls of that city, Gerardus Nigler, and Obertus de Odo. In imitation of the *Pandects*, they contain the opinions of lawyers, on questions concerning the feudal customs, with some imperial constitutions relating to feuds. They were long afterwards divided into five books by Cujacius, their best commentator; before whose time they had obtained so great an authority in many countries of Europe, that they were received in courts of justice, as parts of the civil law. The learned Craig ascribes this authority to imperial constitutions contained in them, or by which they were confirmed: but Du Moulin, Giannone, and others say, that, like the books of Justinian, they acquired by degrees the force of laws, from usage, from the approbation of the people, and from the tacit consent of princes, who permitted them to be publickly taught in universities, enriched with commentaries, and cited in tribunals, for the decision of causes. It does not appear that in England any such regard was paid to them; though in many points our laws were similar, as being derived from the same principles, and directed to the same ends. Yet it is not improbable, that even in the latter times of King Henry the Second, and still more in the next century, some parts of the English laws, concerning feudal estates, may have been regulated according to their decisions, by the statutes then made, and, in the determination of doubtful cases, by the opinions of the judges.

Feudor. l. i.
tit. 6.

It is a notion of many eminent writers, that the whole system of feuds was derived from the Lombards. Sir Thomas Craig, one of the best who has ever treated that subject, seems to incline to this opinion, and says, that the Lombards, after they were subdued by Charlemagne, not only retained their ancient customs, but, at the return of
that

that emperor into France, transmitted them with him into the furthest parts of that kingdom : he might have added, into Germany, and other parts of the empire, where they also prevailed at that time. But others ascribe the origin of the feudal customs to the Franks, and some to the Goths. I would observe, that if they were really confined to Lombardy till that country was subjected to Charlemagne, as the Anglo-Saxons had settled themselves in Britain some ages before that event, the customs they brought with them, and established in this island, could not have been feudal. But, in truth, all the German nations, the Saxons, the Franks, the Lombards, the eastern and western Goths, had some general notions of the feudal policy, which were gradually systematised, and brought into that state, which we find established in the empire under Conrade the Salick, and in France under Hugh Capet.

See Madox
Baronia, p.
279.
Sir W.
Temple
Essays.

See Spelman
on Feuds
and Te-
nures, c. 2.
p. 5.

Sir Thomas Craig has distinguished four states of the feudal law, its infancy, its childhood, its adolescence, and its maturity. To the first he assigns the times between the first overflowings of the northern nations, and the year six hundred and fifty : to the second the times, in which fiefs, that before were annual, or at most for life, were extended to the sons of the vassal, and no further, viz. from the year six hundred and fifty to the year eight hundred, when Charlemagne was crowned emperor. The third state, on the authority of the books of feuds above-mentioned, he reckons to have continued from the times of Charlemagne to those of Conrade the Salick, during which he says that the greater and lesser vassals had begun to use the fiefs, or lands, granted to them, as their own ; and though they were not the true lords of them, yet they acted as if they were, being almost secure of the will of their lords, provided they performed the

Feudor. l. i.
tit. 4.
C. iv.

C. vi.

the services agreed on between them. He also takes notice, that Charlemagne was the first, who, by particular grants, changed some benefices into feuds, that were permitted to descend to the eldest sons of the vassals; but says, that neither in his reign, nor for some years afterwards, did such inheritances become a general law; but were rather particular privileges, the number of which was much encreased under his grandson Lotharius, yet still without the authority of any law: but Conrade the Salick made one; about the year one thousand and twenty eight, which not only confirmed the inheritance of fiefs to the sons and grandsons of the vassals, but permitted one brother to succeed to another in his paternal estate. With this constitution therefore Sir Thomas Craig concludes the third state of feuds, having before observed that in France a law had been made by Hugh Capet, which perpetuated the succession to fiefs in the first degree; and that both the vassals of the king, and those who held of them, possessed their fiefs, not precariously, nor at the will of another, but by a right established in themselves. The fourth state, or maturity of the feudal law, he extends from the above-mentioned epoch, viz. the constitution of Conrade the Salick, made in the year one thousand and twenty two, beyond the times of which I write; when, by a gradual extension of the feudal rules of inheritance, feuds were permitted to descend to collaterals, as far as the seventh degree. It must be observed, that, before the publication of the Books of Feuds at Milan, some parts of the feudal law had been committed to writing, by the orders of the Emperor Frederick, surnamed Barbarossa, who was the first that had reduced them to any form or rule: but I do not find that the Books of Feuds received any sanction from the authority of that prince; where-

C. vii.

Vid. Rade-
vicum, l. i.
c. 7.

whereas we are assured that he greatly favoured the study of the Pandects and other books of the imperial law ; and that the professors of that law were consulted by him, in his most important deliberations. Unhappily for him, one of these doctors, named Martin, maintained a thesis, at Roncaglia, against another, named Bulgarius, in which he asserted, that the Roman emperor was, by right, the absolute master of the whole world, and of all the goods of particulars, so that he might dispose of them at his pleasure. This most abominable doctrine he drew from some parts of the imperial laws, and particularly from some words of Ulpian ill-understood : but though his adversary, who was professor of the civil law at Pisa, endeavoured to vindicate that law from the imputation of so destructive a principle, the flattering doctor prevailed : his opinion was confirmed by a majority of professors ; and Bartolus, one of the most celebrated commentators on the books of Justinian, declares it to be a *heresy* to contradict or deny it. In consequence of this judgment Frederick set up such claims of universal and despotick authority, that, though in all other respects an excellent prince, he justly raised in the Lombards and other people of the empire such an alarm for their liberties, and in other kings such a jealousy, as proved very troublesome and dangerous to him, but of great advantage to Rome, which headed the party of malecontents against him. Indeed, the extravagance of the papal pretensions, in that age, would probably have occasioned the downfall of the popes, notwithstanding all the aid they drew from the superstition and ignorance of the times, if the almost equal extravagance of the imperial pretensions had not given them a party, which joined with, and supported them, on political motives. But it must be observed, that whatever countenance the Roman laws, or the professors of them, might

V. Radev.
de gest.
Frederic. l.
ii. c. 5.

See Giannoni, l. xii. c. 1.

V. Arthur
Duck de
Auctoritate
juris civilis,
l. i. c. 2.
sect. 11.

might afford to these claims of the emperor, the genius and spirit of the feudal laws were so absolutely contrary to them, that, without destroying those laws, which then were established over the greatest part of Europe, and to the support of which he himself had given a new sanction in the assembly at Roncaglia, it was impossible for him to make them good.

The *Decretum* of Gratian and the Books of Feuds having been published in emulation of the *Pandects*, a treatise was also written, about the latter end of Henry the Second's reign, on the laws and customs of England, not professing to be a complete collection of all of them (which the author says, in his preface, would be impossible, from the confused multitude of them, and from the ignorance of writers) but to reduce to writing such of them, as were in general and frequent use in the king's court.

See Glanv.
Proleg.

Num. 746.

The title prefixed to this book, in the printed edition of the year sixteen hundred and four, and which I find agreeable to an ancient manuscript in the Harleian library, says, *it was composed in the time of King Henry the Second, the illustrious Ranulph de Glanville, who of all in those days was the most skilled in the law of the realm and the ancient customs thereof, then holding the helm of justice.*

V. Proleg.
Glanville.

From these words I infer, that this treatise was not written by Ranulph de Glanville himself, but by some clergyman, under his direction and care; I say by some clergyman, because it is written in Latin, which could hardly be done by a layman in that age. The writer apologizes for the style of his work, from the necessity of using the terms of law, with a view to make it more instructive. But, though for this reason, the Latin is frequently impure, the style, in general, is clear, concise, and

and proper for the subject ; and in method it far exceeds either the *Decretum* of Gratian, or the Lombard Books of Feuds. It is called by Lord Chief-justice Hale *that excellent collection of Glanville* ; and certainly, if the matter of it was dictated by Glanville, and the writing supervised, the honour of it may with more reason be given to him, than to the person who penned it under his directions. The title says further, that the treatise only contains those laws and customs, according to which pleas were held in the king's court, at the Exchequer, and before the king's justices, *ubicunque fuerint*. In the manuscripts from which this edition was printed, the whole treatise is divided into fourteen books : but I have seen one, which seems to be of the age of King John or Henry the Third, wherein the divisions are different, and Sir Thomas Craig is of opinion that it was originally in four books ; as the Scotch treatise entitled *Regiam Majestatem*, which is almost a transcript of it, has no more. I cannot assent to this opinion, because I am convinced that the *Regiam Majestatem* was not published before the reign of David the Second ; and we have copies of Glanville which are undoubtedly prior to that time, and are not in four books. The supposition that the Scotch treatise was the original, and that Glanville transcribed from thence the work which goes by his name, will hardly be admitted by any person, who considers the state of England and Scotland in the reign of Henry the Second. The carrying back the introduction of the feudal laws contained therein to the times of Malcolm the Second, instead of Malcolm the Third, and understanding the David, by whose command the author says he compiled it, to be David the First, instead of David the Second, are also notions so discordant to the

Feudor. l. i.
tit 8. sect.
7.

See Essays
upon several
subjects re-
lating to
British Anti-
quities.
Essay I.

the clearest historical facts, and so discredited by the internal evidence of the book itself in many points, that one is amazed how they could ever have obtained any credit among some persons of eminent parts and learning. Not to mention the arguments of Sir Matthew Hale and other Englishmen, of the greatest authority, in opposition to them, Sir Thomas Craig, the most judicious of all the writers on feudal law, and whose work does honour to Scotland, speaks of the *Regiam Majestatem* as stolen from Glanville's work, and treats the opinion of his countrymen, who supposed it to be an original account of their laws, as a *miserable blindness and delusion*. A late ingenious and learned author, who fills one of the seats of justice in that part of the united kingdom with an eminent reputation, has likewise brought the most convincing and irrefragable arguments to shew that it could not have been published in Scotland in the reign of David the First; particularly this; that the author of it appears to be well acquainted with the civil law, the knowledge of which had hardly begun to penetrate into England before the death of that monarch, and must, in all probability, have been much longer in making its way into Scotland, which in those days received its learning of every kind from England. I will only add, that the high encomiums on the then reigning king, in the prefaces to both these books, on account of victories gained by him, and successes in war, the fame of which had filled all lands, are very ill applicable to David the First.

The treatise ascribed to Glanville is the most ancient of our law-books now extant; but, many ages before, collections had been made of the Anglo-Saxon laws, by some of the kings
of

of that nation. Alfred the Great declares, in the preface to his laws, that he had collected and consigned to writing many of those customs, which had been anciently observed in England, and which he approved; rejecting or altering those he disapproved, with the advice of *his wise council*, (that is, of the Saxon parliament, or *witena-gemote*.) He particularly mentions the laws of Ina, his ancestor, of Offa king of the Mercians, and of Ethelbert, the first Christian king of the Anglo-Saxons; out of which he had selected those which he thought the best, and omitted the others. His son, King Edward the elder, begins his laws with a command to all his judges or magistrates, that they should give just judgments, according to the laws, as contained in their *Domboc*. This Spelman and Wilkins call, in their Latin translation, *liber judicialis*; and probably it was the collection spoken of by King Alfred in the words above-cited; as no mention is made of it before the times of that prince. It retained its authority till after the reign of King Edgar, in one of whose laws there is a reference to it, concerning a penalty, or mulct. But that king, in another statute, declares and ordains, that every man, whether poor or rich, shall enjoy the benefit of *the common law*: which all our ablest lawyers, who have treated thereof, as well as the best of our antiquaries, unanimously affirm, to have then consisted, for the most part, of unwritten customs. The same prince, in another law, grants a liberty to the Danes, who were subject to him in England, of chusing for themselves what form of law they liked best, but commands the English to observe what he and his *wise-men* had added to the most ancient laws of his realm, from the present exigences of the nation. Hoveden says, that, after the death of Edgar, the law

V. Wilkins
Leges Ælf-
redi, p. 34.

V. Leges
Eadwardi,
Wilkins, p.
48.

V. Spel-
man's Gloss.
DOMBZC.

V. Wilkins
Leges Ead-
gari, p. 77.
Leges poli-
ticæ.

Ibidem. p.
80.

V. Hoveden
Annal. Part.
Post. p. 347.

of England lay asleep for sixty seven years, but was awakened and confirmed by Edward the Confessor, and therefore was called *his law*, not as being first enacted, or made, by him, but because it had been neglected and forgotten from the decease of his grandfather, King Edgar, who was said to have been *the first founder of it*, down to his times. Yet we find some parts of that law renewed and confirmed by those of Canute the Dane; and it is apparent from the words of Edgar himself, that, although he enacted some new laws, he only confirmed the *common law*, of which the origin (to use the expression of L^d Chief-Justice Hale) is as undiscoverable as the head of Nile. But there is good reason to believe that Edward the Confessor, not only revived and confirmed that law, (as Edgar had done before him) but made a new compilation, drawn out of all the laws, Mercian, Danish, and West-Saxon, which had prevailed in all the different parts of the kingdom, uniting them into one, by the advice of his *witena-gemote*, or parliament. The collection published under the name of this prince's laws by Lambard and Wilkins, and said, in the title of them, to have been confirmed by William the Bastard, is justly rejected, as spurious, by the most learned criticks. But those which he did compile, and in which, it is probable, there was a confirmation of all the *unwritten customs*, not condemned or altered thereby, were received and restored to the nation by William the Conqueror, *with certain alterations and additions, which he had enacted* (as one of his statutes declares) *for the benefit of the English*. Some of these laws so confirmed, and published by him in the French or Norman language, the reader will find a transcript of, as translated into Latin by Whelock and Wilkins, in the Appendix to the first volume of this history, together with all the other statutes, made by this king,

History of
the Com-
mon Law,
c. 3. p. 55.

See Hic-
kes
Dissert. p.
95. et alios.

See the Ap-
pendix to the
first book of
the first vol.
numb. II.
l. 63. n. III.

king, which we have reason to believe are genuine, and which are not penal, or relating to criminal matters; all of that nature being reserved to be published in the Appendix to my third volume, together with those enacted by King Henry the Second. Of the laws of Henry the First I have given only his charter; the rest published by Wilkins, though they got into *the Red Book of the Exchequer*, being certainly spurious. The charter says, *I restore to you the law of King Edward with those emendations, that my father made therein by the advice of his barons.* Whatever therefore was not altered in *that law* by his father stands confirmed by this clause; and *that law* was the whole body of Saxon laws and customs, which had been established under the government of Edward the Confessor. The charter of King Stephen expressly confirms *all good laws and good customs which the nation had enjoyed in the time of Edward the Confessor.* Customs here seem to be mentioned in addition to *laws*, for sake of including the *unwritten* with the *written* or *statute laws*. Henry the Second, by his charter, confirmed that of his grandfather: so that from the reign of King Edgar to the first of the Plantagenets, inclusively, *the common law* has received repeated sanctions, and been delivered down as the great birthright and inheritance of the nation. But that several statutes, or acts of parliament, made both under the Saxon and Norman kings, before and during the times of which I write, either to explain or alter that law in many points, have been lost, though the practice grounded upon them continued, I have not the least doubt. It also appears that some feudal customs and prerogatives of the crown arising out of that policy, the use and exercise of which had not been complained of, under the gentle administration of Henry the Second, were afterwards limited, or taken away, by express laws: and on the other hand it is well

V. Appen-
dix to the
first vol.
numb. IV.

Ibidem.

Coke's in-
stit. vol. ii.
c. 15. note,
p. 29.

observed by L.^d Coke, that, "*to his never-dying honour, many acts made in the reign of Henry the Third do refer to his reign, that matters should be put in use, as they were of right accustomed in his time.*" I cannot better conclude this subject, than with the encomium made upon him, in the preface of the treatise ascribed to Glanville, with relation to his civil government, and more particularly to his conduct in the administration of justice. The words are these: "How justly, how discreetly, and how mercifully, in time of peace, he, the author and lover of peace, has behaved himself towards his subjects, is very well known. When such is the equity of his Highness's court, that not one of the judges there has so hardened a front, or so rash a presumption, as to dare in the least to decline from the path of justice, or give any opinion contrary to truth. For there the poor is not oppressed by the power of his adversary, nor does the favour or credit of friends drive any person from the seat of judgment. All the proceedings are grounded upon the laws of the kingdom, or *reasonable customs established by a long usage*: and (what is still more laudable) our king does not disdain to be directed by the advice of such of his subjects, as he knows to excel others in gravity of manners, in knowledge of the law and customs of the realm, and whom he has found by experience to be most prompt and expeditious, as far as reason and justice will permit, in determining causes and ending suits, *by acting sometimes with rigour and sometimes with lenity, as they see to be most proper.*"

On these last words I would observe, that, as in those days there was no distinct court of equity, the judges of the king's court had probably a power of mitigating in some cases the rigour of the law. But however this may have been, the testimony

testimony given to the wisdom and goodness of Henry, in that first of royal duties, the administration of justice, if not by the grand-justiciary himself, yet certainly by one who wrote according to his sentiments, is of no little weight : and it will be shewn, from still more unquestionable evidences, from the acts of that prince, and from the reverence paid by foreign powers to the fame of his justice, that the praise he received from his subjects, in this and other contemporary writings, was not adulation.

Of what orders of men the English parliament was composed, in the times of which I write, is a question much disputed, and which can never, I believe, be so absolutely decided, as to put an end to any difference of opinion about it ; especially if the controversy should be supported and sharpened, (as it has formerly been) by the spirit of party ; or by what is no less unfriendly to the discovery of truth, attachment to a system. But happily the enquiry is rather matter of curiosity than real importance ; because the right of the commons to a share in the legislature and national councils, even according to the hypothesis of those who are most unfavourable to them, has antiquity enough to give it all the establishment which can be derived from long custom, and all the reverence and authority, which time and experience can add, in opinions of men, to the speculative reason and fitness of wise institutions. I therefore treat of this question, rather as it is a necessary part of my subject, than as worthy in itself of any very anxious investigation : nor do I pretend to do more than draw together some rays of light, scattered in a few important records, and in some passages of the most authentick contemporary historians, submitting the result of them to the judgment of the reader, with very great diffidence of my own.

If we look to the best accounts of the original customs of the ancient German nations, we shall find, that, in their communities, all the freeholders enjoyed an equal right with the nobles, to assist in deliberations *on affairs of great moment*. When they made their first settlements in any foreign country, and while their numbers were moderate, this right might be exercised, without any great inconvenience, by the whole body of freeholders assembling together in open plains. That it was exercised in this manner by the Anglo-Saxon people, after they came into Britain, we are assured by an historian of no mean authority, Matthew of Westminster, who says, “that the meadow near Staines, in which the great charter was granted by King John, had the name of *runemeed*, which, in the Saxon language, signified *the meadow of counsel*, because, from ancient times, it had been usual to consult there, upon business which concerned the peace of the kingdom.” But this custom had been disused under the government of the Normans, and (so far as I can discover) for some time before; perhaps from the time that the Saxon heptarchy was united into one kingdom. Nor do I find a single instance of its being ever revived, till that extraordinary meeting in the reign of King John; all the parliaments, or great councils, whereof we have any account before, having been held in churches, abbies, or royal castles. It should seem therefore, that, if the right of the freeholders continued, the greater part of them must have exercised it, not personally, as they did in more ancient times, but by representatives. We are assured, by a record which Dr. Brady has cited, that, so late as in the fifteenth year of King John, not only the greater barons, but all the inferior tenants in chief of the crown, had a right to be summoned to parliament by particular writs.

We

Vid. Matt.
Westmon.
sub. ann.
1215. 17
Johan.

See Brady's
Answer to
Petit, in his
Introduction
to the Hist.
of Engl. p.
40, 68.

See also the
Notes to this
book at the
end of the
volume.

We may therefore conclude, that, till that time, no representatives had been sent by any of these to serve for them in parliament; but they were accustomed to attend the great councils of the nation in their own persons. Nor were they yet become so numerous, as that they might not be contained in the body of a church, or the great hall of an abbey or a castle. But these were far from being all the freeholders in the kingdom. Under that description were comprehended all who held of the barons, either by knight-service or free socage, and all the possessors of alodial estates, with all the free inhabitants of cities and boroughs not holding of the crown. The number of these was too great to be contained in any building, how spacious soever. We are therefore to enquire, whether, during the times of which I treat in this history, all these men were either wholly excluded from parliament, or were present there by any kind of representation. Some learned writers have supposed, that every superior lord, who held of the king immediately and in chief, being the head of his tenants in all the degrees of subinfeudation, whatever he agreed to in matters of government *bound all his vassals*. For which reason Sir H. Spelman gives it as his opinion, "*that in making laws of the kingdom the common people were not consulted with, but only the barons, and those which held in capite, who were then called concilium regni. And the common people being, by way of tenure, under one or other of them, did then by him that was their chief lord (as by their tribune or procurator, and as now by the knights of the shire) consent or differ in law-making, and are not therefore named in the title of any ancient law.*" But, though it may appear that this notion has indeed some foundation in the genius and contexture of the strict feudal system then established in England, it must be observed, that

the possessors of alodial estates, in the number of which were all the parochial clergy, having no superior lord to act for them in parliament, could not be thus represented, or virtually bound by the acts of the king's barons, to whom they were not attached by any feudal connection, and of whom they held nothing. I would likewise remark, that the knights, citizens, and burghesses, who are now the representatives of the commons of England, are *elected* by those for whom they serve; all their power is derived to them from their electors; and, upon a dissolution of the parliament, and the calling of a new one, those electors are again at liberty to make a new choice: whereas the representatives, which Sir H. Spelman has supposed in his hypothesis, were neither *elected*, nor liable to be *changed* at any period of time, by those they represented; their right to sit in parliament not arising from any trust conferred by the people, but wholly from their tenures. Indeed it seems improper, and a force on the words, to call them *representatives* or *procurators*. But further, it is certain, that the feudal superiority was the same under the government of Henry the Third as of William the First, and continued so for some ages. If therefore the barons, and superior lords of great fiefs, holden immediately of the crown, had, by virtue of the institutions of William the First, been supposed to represent their vassals in parliament, and the notion was then, that every feudatory, holding by a mesne tenure, was bound by the parliamentary acts of his lord, how came that notion to be discarded in the forty-ninth year of Henry the Third, or under the reign of his son, or at any time afterwards, while the feudal constitution remained in this kingdom? A baron, who held of the crown, was to all intents and purposes *the head of his vassals*, in the reigns of Edward the First and Edward the

the

the Third, as much as in any of the preceding reigns. How happened it then, that the consent of those vassals to the making of laws, or any other act of moment to the publick, was not still included in the vote of their lord? why was it given, against the course of former proceeding, not by *him*, as *their representative*, but by knights of the shires, or by citizens, or by burgessees, chosen by the vassals? Some learned men have asserted, that this change was brought about by the power of the earl of Leicester, in the forty-ninth year of Henry the Third. But we have a record which demonstrates that date to be false. A writ of summons directed to the sheriffs of Bedfordshire and Buckinghamshire, and requiring two knights to be sent for each of those counties, is extant in the close roll of the thirty-eighth year of Henry the Third. And there is a clause in the great charter of the ninth of the same king, whereby it is declared, that, together with the spiritual and temporal lords, other inferior freeholders, *et omnes de regno*, by which words I understand *the whole commonalty of the realm*, granted to the king the fifteenth part of all their moveable goods, in return for the liberties accorded to them in that charter. Nor can I discover, in the history of those times, any reason sufficient to render it probable, that so great an alteration should then have been made in the constitution of England. But, if it had been made, it must naturally have produced some disputes, which would have been taken notice of by some of the many historians, who lived in that age, and who have left very large and particular accounts of less important transactions. The Roman history is full of dissensions and struggles between the patricians and plebeians. The same contests likewise appear in several other mixt governments, both ancient and modern; and every advantage, which the aristocratical

See the
Charter in
Dr. Blacke-
stone's editi-
on.

cratical or the popular powers obtained in those contests, is distinctly marked by historians. But the English history is quite silent as to any disputes, between the nobility and the people, on this account, from the earliest times of the Saxon government, down to the reign of Charles the First. Soon after the times of which I write, we find the king and the barons engaged in civil wars, on account of disputes between the royal prerogative and the liberties of the nation, in which the barons were supported by the arms of the commons: but there was not the least trace, in that part of our history, of any dissension between the barons and commons concerning this question. From whence, I think, we may presume, that the right of the commons must have been incontestably established by custom, and interwoven into the original frame of our government. For, that the admission of all the lower orders of freemen, or indeed of any large number, to the great council of the kingdom, and to a participation of the legislative power, which they had no right to before, should be so easily brought about, as to pass unobserved by any writer who lived in that age, is hardly conceivable. Even if we suppose (as some have done) that the sitting in parliament, which is now thought so valuable a privilege, was then regarded only *as a trouble and burthen*, the laying that *onerous Obligation* on orders of men, who had been before exempt from it, must naturally have met with resistance, and opposition, on their part. But that it was generally seen in a very different light may be inferred from the act of the fourth of Edward the Third, which is thus worded, “ It is *accorded*, that a parliament “ shall be holden every year once, and more often, “ if need be.” The presumption is strong, that they to whom the king *accorded* this statute considered the service in parliament *as a privilege*, of which

which they earneſtly deſired the frequent enjoyment: otherwiſe, they would not have petitioned the crown to call them to it ſo often, and bound the king, by an expreſs law, not to omit or neglect it. And it is highly probable that this law did only confirm an ancient uſage. For nothing appears in the wording of it, or in the hiſtory of the times, to induce one to believe, that it made any change in the Engliſh conſtitution. We know indeed that ſome boroughs, which, from their poverty, were unable to bear the expence of ſending members to parliament, declined the uſe of that privilege: but no argument can be drawn, from theſe particular inſtances, to the general ſenſe of the commons, in counties, cities, or other more wealthy boroughs. As for the nobility, whoſe power was never higher than in the reign of Henry the Third, it ſeems incredible, that if the whole legiſlative authority had, before that time, been always placed in them and the king, they ſhould not have oppoſed the extension of it to ſo many perſons of a lower rank in the ſtate. And with regard to the earl of Leiceſter, it was not his intereſt, while he was acting at the head of the nobles and people, in a very dangerous conteſt againſt the crown, to make any innovations offensive or diſtaſteful to either of thoſe bodies. Nor is it probable that any new inſtitutions, begun by the earl, ſhould have been confirmed and perpetuated by Edward the Firſt.

Among the cloſe rolls of the twenty-fourth year of that king, there is a writ of ſummons to parliament, in which it is aſſerted, not as an innovation introduced by the earl of Leiceſter, but *a maxim grounded on a moſt equitable law, eſtabliſhed by the foreſight and wiſdom of ſacred princes, that what concerned all ſhould be done with the approbation of all; and that dangers to the whole community ſhould be obviated by remedies provided by the whole community.*

Some

V. Rot.
Clauſ. 24.
Edw. I. in
dorio.

Some very eminent writers have supposed, that none but the king's inferior tenants in chief were at first represented by the knights of the shires: but there is no sufficient evidence to support that opinion. On the contrary, it appears, from some of the most ancient writs now remaining, that the knights were sent to represent *the whole community of the county*: and how this expression should signify *the inferior tenants in chief*, exclusively of all the other freeholders, I do not well comprehend.

There is not in any of those writs, nor in the oldest we have for sending up representatives from cities and boroughs, the least intimation, that such elections were a novelty then introduced. But some writs are taken notice of by Mr. Tyrrel, a diligent searcher into records on this subject, which set forth a claim of certain *tenants in ancient demesne*, before the fifteenth year of Edward the Second, that they ought not to be charged with wages to knights of the shire; *forasmuch as they and their ancestors, tenants of the same manor, had, from time beyond memory, been always exempted, by custom, from the expences of knights, sent by the community of their county to the parliaments of the king, and of his royal progenitors.* If no wages had been ever paid to knights of the shire till the reign of Henry the Third, it would have been preposterous for these men to tell the grandson of that king, that they had enjoyed a customary privilege of not paying such wages *from time beyond memory*, which is defined by our law-books, to be *a time antecedent to the beginning of the reign of King Richard the First*; and must be supposed, when this exemption was claimed, to go much further back.

With regard to cities and boroughs, there are likewise extant two claims, made in the reigns of Edward the Second and Edward the Third, the proceedings upon which seem decisive of the sense

See Tyrrel's
Append. part
II. vol. iii.
p. 60, 61.

sense of that age, concerning the antiquity of the custom of citizens and burgesſes coming to parliament, and from towns that were held under ſubjects, not immediately of the crown; I mean the claims of the towns of St. Albans and Barnſtable: to which I will add the testimony of the whole legislature within the ſame age. By a ſtatute of the fifth year of Richard the Second it is enacted,

See the notes to this book, and Madox's Hiſt. of the Excheq. c. 17.

“ that all and ſingular perſons and commonalties,
 “ which from henceforth ſhall have the ſummons
 “ of the parliament, ſhall come from henceforth
 “ to the parliaments in the manner as they are
 “ bound to do, *and have been accuſtomed, within*
 “ *the realm of England, of old times.* And if any
 “ perſon of the ſame realm which from henceforth
 “ ſhall have the ſame ſummons, (be he arch-
 “ biſhop, biſhop, abbot, prior, duke, earl, ba-
 “ ron, baneret, *knight of the ſhire, citizen of city,*
 “ *burgeſs of borough,* or other ſingular perſon or
 “ commonalty) do abſent himſelf, and come not
 “ at the ſaid ſummons (except he may reaſonably
 “ and honeſtly excuſe him to our lord the king)
 “ he ſhall be amerced and otherwiſe puniſhed, *ac-*
 “ *cording as of old times hath been uſed to be done*
 “ *within the ſaid realm in the ſaid caſe.*”

See Keble's Statutes 5 Ric. II. Stat. 2. et ann. dom. 1382. c. 4.

No diſtinction is made in this ſtatute between the antiquity of ſummons to parliament ſent to the greater nobility, and thoſe to citizens, burgeſſes, and knights of the ſhires. All are ſpoken of as having been *accuſtomed of old times to come thither*, and the ancient penalties for non-attendance are referred to as the rule for puniſhing thoſe who ſhould abſent themſelves for the future. It ſeems very difficult, if not impoſſible, to reconcile theſe expreſſions to the opinion of thoſe, who date the admiſſion of the commons into the parliaments of this realm, ſo near to the times when this ſtatute was enacted, as the reign of Edward the Firſt, or of Henry the Third. But beſides theſe authorities,
 drawn

drawn from statutes and records, very evident indications of the presence of the people in the national councils, and of their being constituent parts thereof, though, indeed, in a confused, disorderly manner, are to be found in some ancient histories, and contemporary accounts of transactions in parliament, during the times which I write of; viz. from the death of Edward the Confessor to that of Henry the Second.

Nevertheless it is certain, that in those times, and long afterwards, ordinary business, and even some arduous affairs of the kingdom, were frequently treated of, and determined, by the nobles alone, who met, according to ancient custom, three times in a year, namely, on the great festivals of Christmas, Easter, and Whitsuntide. It would have been too inconvenient to summon so often, and from the most distant parts of England, all the citizens, burghesses, and knights of the shires; nor could their constituents have supported the expence of their wages and travelling charges. But the assembly of the nobles was convened with more ease, and appears to have acted, not only as a council of state, and supreme court of judicature, but, as being authorised, by permission and common consent, to exercise some degree of parliamentary power, the limits of which were not accurately defined. The king was always present in it, and sometimes wore his crown, as he does now in full parliament; all the nobility likewise being dressed in their robes. We are told by some ancient writers, that William the First kept his court, and held these assemblies, at Christmas in Gloucester, at Easter in Winchester, and at Whitsuntide in Westminster: but it also appears, that he convened them occasionally in some of his other cities. For intending to celebrate his Christmas at York, in the year one thousand and sixty nine, he ordered his crown and other *regalia* to be carried thither from Winchester. This change of place was
for

Chron. Sax.
Malmfb. et
Huntindon.
Wil. I.

V. Ord.
Vital. l. iv.
sub ann.
1069.

for the easier dispatch of business in the several counties, and that all parts of the kingdom might be favoured, in their turns, with the benefit of these meetings, wherein our monarchs displayed their utmost state and magnificence. William of Malm-L. iii. f. 63.bury says, that, on such occasions, the above-mentioned prince made very splendid feasts, for the entertainment of those who came to attend his council; and summoned thither all his spiritual and temporal nobles, that the ambassadors of foreign nations might admire the pomp of so numerous an assembly, as well as the sumptuousness of the banquets provided for them. The same magnificence in feasting was continued by his successor, but dropped by Henry the First. Stephen revived it, with great lustre, at the beginning of his reign, and would, doubtless, have persevered in it till the end of his life, if the troubles of his kingdom, and the wretched poverty, which they soon brought upon him, had not prevented him from indulging the liberality of his nature. It has been mentioned in the former part of this book, that Henry the Second wore his crown, in meetings of this nature, at Lincoln and Worcester; in the last of which cities he made a solemn vow, that he would wear it no more. But the omission of this ceremony did not alter the custom of summoning the nobility, at the usual seasons of the year, when the king was in England. It frequently happened, that the occasions for calling the commons to parliament fell in with those festivals; and in that case, I presume, the summons being sent to the counties, cities, and boroughs, converted such councils into full and compleat parliaments. Of this we have an instance in the first year of King Stephen, which is particularly considered in one of the notes to this book, among other proofs, drawn from history, of the presence of the commons in the parliaments of this kingdom, during the period from the death of Edward

Edward the Confessor to that of Henry the Second. There is also reason to believe, that the above-mentioned council, held at Worcester, was a full parliament. But neither the number of representatives, nor the modes of representation, were so absolutely fixed, as not to be liable to occasional variations at the will of the crown. Perhaps the principal magistrates of cities and boroughs may, at some times, have been deputed, by virtue of their offices, to represent those communities. And it seems, that in conformity to the ancient German custom, so far as could be practised when the assemblies of the nation were no longer convened in open plains, none of the inferior orders of freemen, residing in or near the place where the parliament met, were excluded from attending it *in their own persons*; the number of them being only limited by the capacity of the building in which they assembled. Much confusion must have arisen from a liberty of this nature, and it certainly was a great improvement of the English constitution, when the lords were separated from the commons, and none of the latter admitted into the national councils, but by a regular and fixed method of representation. Among the freeholders, of whose presence in parliamentary meetings a distinct notice is taken by the historians of the times treated of in this work, we find many of the inferior, secular clergy, an order of men who were, certainly, of too great estimation and account in the state, not to have had a share in the legislature, either personally, or by representatives. There are not, indeed, any writs of summons now remaining, which require proctors to be sent for them to the parliaments of this kingdom before the twenty third year of Edward the First: but from the annals of Burton it appears, that the whole body of the clergy were so represented in the thirty ninth of Henry the Third. Nor is it remarked as a novelty by any of the historians who wrote in that age,

V. Annal.
Burton, p.
355. sub
ann. 1255.
See also one
of the Notes
to this book.

age, though, being all ecclesiasticks, they probably would have thought it more worthy of observation, than any event wherein the laity alone were concerned. It may be therefore presumed, that, not only the attendance of the inferior clergy in parliament, which is evidently proved by many passages in more ancient historians, but this kind of representation of them, had been customary long before. In later times, from a desire of independence on the state, to which they were incited more and more by the pope, they gradually withdrew themselves from any attendance in parliament, either personally, or by representation; so that, after the reign of Henry the Sixth, they are hardly ever mentioned as present there; although, in the twenty first year of Richard the Second, the commons had shewn, in a petition to the king, *how that before those times many judgments and ordinances, made in the times of the progenitors of our lord the king in parliament, had been repealed and disannulled, because the state of the clergy were not present in parliament at the making of the said judgments and ordinances.* Upon the reformation of religion, in the reign of Edward the Sixth, an attempt was made in the convocation to have the lower house united to the house of commons, *according to ancient custom, sicut ab antiquo fieri consuevit.* It was also proposed to Queen Elizabeth, but rejected. The clergy continued to tax themselves in a separate body, till the restoration of Charles the Second; soon after which they were taxed in the same manner and conjointly with the rest of the commons; and have ever since been represented in parliament by the same persons; which has more embodied them with the laity, and prevents the setting up of a church interest distinct from that of the people. It is remarkable, that this very important alteration in the state of this kingdom was made *without any law*, by agreement with the clergy. And thus several others may have happened

V. Rot. Parl.
21 R. II.

See Hody
Hist. of
Convoca-
tions, p.
429, 430.
See Append.
to Burnet's
Hist. of the
Reforma-
tion, numb.
18.

before, in the methods by which those, to whom our ancient constitution had given a share in the legislative power, exercised that great privilege, during the course of so many centuries, as have passed since the Saxons, or even since the Normans first came into this island. Some orders of men, who had before attended *personally* in our great councils, or parliaments, may, from the encrease of their numbers, or from other motives of convenience, have come by *representatives*; and *the mode of representation* may have occasionally *varied*: but all this, I presume, was done, and the whole system of those assemblies was finally settled, without any change in *the principles* of the ancient constitution, and on the foundation of *undisputed, original rights*. The presence of *the people* in the Saxon councils, and their having had a share in the highest acts of legislature and government, even till the entrance of the Normans, seems to be proved very strongly, from the preambles of laws and other proceedings of those councils, and from the words of the best historians who lived near to those times. On this long usage, I conceive, their right was established: and it appears to have been continued under William the Conqueror, with other customs and rights confirmed by him to the nation; and under his successors, by like sanctions of ancient liberties granted in repeated royal charters. Accordingly we find, that so long ago as the second year of King Henry the Fifth, the house of commons assert, in their petition to the king, that *it ever hath been their liberty and freedom, that there should no statute or law be made without their assent*; and that they are, and ever have been, *a member of the parliament*: which claim was not disallowed, either by the lords or the king.

Upon the whole, it seems that the parliaments, during the times which I write of, contained in them *the first elements* of those we have now; but were
only

only a *rough draught*, in which regularity and decorum were absolutely wanting. Nor was that *ballance of power*, which makes the perfection of our present constitution, yet fixed in those assemblies. For, the property of the commons was so unequal to that of the nobles, and the feudal obligations of the inferior landholders, to the lords they held under, created such a dependence of the former on the latter, that although, in the idea and scheme of the government, a popular power was mixed with the regal and aristocratical, yet, in reality, the scale of the people was not weighty enough, to make a proper counterpoise to either of the other. The changes made in the peerage, the relaxation of the feudal laws, and the diffusion of wealth among the lower orders of freemen, produced afterwards a great difference in the state of the legislature: but the history of these events belongs not to my subject.

All feudal governments were *monarchical*, and could no more subsist without a king, than an army without a general, the royal power being considered as the source of all dignity and command in that system. But neither could monarchy in such a government be sustained without a nobility, nor that nobility without inferior orders of *freeholders*: the feudal notions requiring all these ranks in the community, and connecting them together by reciprocal duties. The degrees of power appropriated to each of these orders were different in different countries, and even in the same countries at different periods. During the age I write of, the regal power in this kingdom, though limited by a mixture of Aristocracy, and Democracy, was very great. The execution of all laws was entrusted to the king, and none could be made, repealed, or altered, without his assent. To him belonged the right of assembling the parliament or Great Council. It was by him that the whole state exerted its energy, either in peace or in war. He treated with foreign powers; he made

alliances and confederacies, offensive or defensive; by him peace was concluded, by him war was declared. He was the general of the armies formed by knight-service, or by commutations for that service; nor could any other species of military force exist in the realm, without being subject to his orders as commander in chief. Appeals were carried to him from all the inferior courts of justice; and in his own court he exercised a sovereign judicature, without appeal. He had many offices to bestow, which created him a great number of dependants and friends: but his chief power arose from the multitude of fiefs, which, by escheat, or by forfeiture, were continually falling into his hands. The influence, our present government may be supposed to derive from the emoluments it confers, is by no means equal to that, which the crown must have obtained, while the feudal law was in vigour, from a prudent conduct in the disposal of these vacant fiefs. A place, or pension, held during the pleasure of the king, or even for life, is a much less valuable gift, than *lands of inheritance*, some of which had great dignities and privileges annexed to them, besides their rents and profits. A court, which had such immense and lasting benefits to confer on those it favoured, must have had many suitors, among all ranks of men, perpetually solicitous to gain its good will, and, by consequence, ready to obey its orders. Nor, when baronies, or other fiefs, had been granted by the king, did the dependence upon his favour, with regard to those possessions, entirely cease. For the right of wardship over the heirs, in case of minorities, made all the great families afraid of offending the sovereign, who might happen soon to have the custody and education of their children committed to him by law, as well as the care of their estates, during the time of such custody. And certainly there could not be a more irresistible bribe to avarice, ambition, or love, than the hand of a rich,

rich, a noble, or a beautiful heiress, which the king, as feudal lord, was often able to grant. This power alone, as it affected the interests and passions of men in the highest degree, was greater than any the crown possesses now, and very dangerous to the public.

Another feudal prerogative was the altering of the service by which lands were held; of which Mr. Madox gives an instance under King John, who ordered an estate, which under his brother, King Richard, had been held by knight-service, to be held by the service of the *fulconrie*, a species of serjeanty. See Baronia, l. i. p. 32.

The wealth of the crown, in the times of which I write, was a great support of its power. The ancient demesne, or land estate of the crown, as recorded in Domesday-book by William the First, consisted of fourteen hundred and twenty two manors, in different counties, besides some scattered lands and farms, not comprehended therein, and quit rents paid out of several other manors. Much of this ancient patrimony of the kings of England was alienated in the reign of King Stephen; but the resumption made by Henry the Second (of which an account has been given in the former part of this book) recovered all those alienations, except only the lands which had been granted to the church, and which, probably, did not exceed what must be added to the number in Domesday-book, viz. the estates of the crown in the four northern counties, and in some parts of Wales, which were subdued after the death of the Conqueror, who caused that survey to be made. It is therefore evident that a vast share of the lands of England was possessed by Henry the Second, which was a constant support to the royal dignity, independent of all taxes or impositions on his subjects, and which was considered as a sacred and inalienable patrimony, transmitted to him from his ancestors, the ancient kings of England;

England; for it appears by Domeſday-book, that all the demefne lands, aſſigned therein to the crown, belonged to it in the reign of Edward the Confefſor. But it will be neceſſary, in treating of the royal revenue, to give a particular account of that famous record, which is called by Sir H. Spelman, *if not the moſt ancient, yet without controverſy the moſt venerable monument of Great Britain*. It conſiſts of two volumes, which, together, contain a deſcription of all the lands in England, except the four northern counties, made by order of William the Firſt, with the advice of his parliament, in the year one thouſand and eighty fix. But it ſeems not to have been finiſhed till the following year, which was the laſt of that king. For the execution of this great ſurvey ſome of his barons were ſent commiſſioners into every ſhire, and juries ſummoned in each hundred, out of all orders of freemen, from barons down to the loweſt farmers, who were ſworn to inform the commiſſioners, what was the name of each manor, who had held it in the time of Edward the Confefſor, and who held it then; how many hides, how much wood, how much paſture, how much meadow land it contained; how many ploughs were in the demefne part of it, and how many in the tenanted part: how many mills, how many fiſh-ponds, or fiſheries, belonged to it; what had been added to it or taken away from it; what was the value of the whole together in the time of King Edward, what when granted by William, what at the time of this ſurvey; and whether it might be improved, or advanced in its value. They were likewiſe to mention all the tenants of every degree, and how much each of them had held, or did hold at that time; and what was the number of the ſlaves. Nay, they were even to return a particular account of the live ſtock on each manor. Theſe inquiries, or verdicts, were firſt methodiſed in the county, and afterwards ſent up to the king's Exchequer.

V.L.Elienſis
MSS. Cott.
Libr. Tiberius, A. vi.

Exchequer. The lesser Domesday-book contains the originals so returned from the three counties of Essex, Norfolk, and Suffolk. In these the live stock is noted. The greater book was compiled, by the officers of the Exchequer, from the other returns, with more brevity, and a total omission of this article, which (as appears by the expressions of contemporary historians) gave much offence to the people; probably, because they apprehended, that the design of the king, in requiring such an account, was to make it a foundation for some new imposition. And this apprehension appears to have extended itself to the whole survey at that time. But, whatever jealousy it may have raised, it certainly was a work of great benefit to the publick; the knowledge it gave to the government of the state of the kingdom being a most necessary ground work for many improvements, with relation to agriculture, trade, and the encrease of the people, in different parts of the country; as well as a rule to proceed by, in the levying of taxes. It was also of no small utility for the ascertaining of property, and for the speedy decision or prevention of law suits. In this light it is considered by the author of the dialogue *de Scaccario*, who speaks of it as the completion of good policy and royal care for the advantage of his realm in William the Conqueror; and says, it was done to the intent, that every man should be satisfied with his own right, and not usurp with impunity what belonged to another. He likewise adds, that it was called Domesday-book by the English, because a sentence, arising from the evidence there contained, could no more be appealed from, or eluded, than the final doom at the day of judgment. From this authority given to it, one should suppose that the verdicts, on which the register had been grounded, were found, in general, to be faithful; notwithstanding the confession made by Ingulphus, abbot of Croyland,

L. i. c. 16.

V. Hist. In-
gulph. edit.
Gale, p. 79.

that, with respect to his abbey, the return was partial and false. For it does not appear that the design imputed to Ralph Flambard, as minister to William Rufus, of making another and more rigorous inquisition, was ever put in execution, or that any amendments were made in either of the books. I must observe, that many lands are declared in these records to be of much greater value when this survey was made, than in the time of Edward the Confessor, and capable of being still very considerably improved by more cultivation. But from other evidence it appears, that the four northern counties, were then, for the most part, in a waste and desolate condition: which, I presume, was one reason of their not being surveyed together with the others. It is surprising that this defect was not afterwards supplied by a similar inquisition.

L. i. c. 7.

The above-mentioned author of the dialogue *de Scaccario* tells us, that, from the Norman conquest till the reign of Henry the First, the rents due to the king were accustomed to be paid in provisions and necessaries for his household; but that prince, about the middle, or towards the end of his reign, being moved by the complaints, which were frequently brought to him, from those who tilled his demesne lands, of the great oppressions they suffered, by being obliged to bring victuals, and other provisions for the use of his household, to different parts of the kingdom, from their own dwellings, did, with the advice of his parliament, send commissioners over England, to take an estimate of the value of what they thus paid in kind; and these, reducing it into money, appointed the sheriff of each county to put together all the sums arising from the said lands contained therein, and account with the Exchequer for the whole collection. Yet it is certain, notwithstanding the authority of this treatise, which is kept among our records, that,
before

before the reign of Henry the First, the rents of the crown, from those who occupied its lands in ancient demesne, were often paid in money. But the converting *all* such rents, in the manner above-described, into pecuniary payments, is a memorable act of that reign. If a moderate composition was taken (as there is reason to believe) this alteration was a great relief to the tenants. But though the revenue of the crown was lessened thereby in real value, the money brought into the treasury, which might be applied to any services, of war or other exigences, was in many respects more commodious and more desirable for the king. And the frequent occasion Henry had for supplies of this kind, by reason of the quarrels he was engaged in for the defence of his territories or allies on the continent, must naturally have inclined him to prefer this mode of payment to a greater profit from the methods before in use.

From the account before given of the number of manors belonging to the crown, as its ancient inheritance, it appears that the king, in the times of which I write, was beyond comparison the greatest landholder in England: but, besides his demesnes, he had frequently in his possession, by escheats, seizures, or forfeitures, the lands of many of his vassals. How considerable a revenue arose from hence to the crown may be judged from these instances. In the seventeenth year of King Henry the Second there were in his hands seven baronies, of which four belonged to earldoms; and in the thirty first of the same king eight baronies, belonging likewise to earldoms, the lands annexed to the office of constable of England, with twelve other baronies, or knights-fees of great value. Many lesser offices and fiefs of different kinds often fell to the crown by devolution or forfeiture, all which produced together a very ample income. The greater escheats were let at farm, or committed to the custody of persons appointed

See Madox's
Hist. of the
Excheq. c.
10. p. 203,
204, 205.

appointed by the king, to whom they accounted for the profits. Mr. Madox says (though with some doubt) that, about the latter end of King Henry the Second's reign, the officers of the Exchequer began to form an escheatry. It appears, that in this reign, the vacant bishopricks and other prelacies, which were of royal foundation, escheated to the crown; and till a new election was made of a bishop or abbot, the king enjoyed the revenues and profits of those sees, as he did of other escheats. Peter of Blois, in his continuation of Ingulphus, affirms, that William Rufus, seduced by the councils of Ralph Flambard, his principal minister, was the first king of England who began the evil practice of retaining to his own benefit these sacred revenues, which his father, and all his Anglo-Saxon predecessors, had religiously and strictly refunded to the next succeeding prelates. This testimony is confirmed by Ordericus Vitalis, who says that, before the entrance of the Normans, the custom of England was, that the bishop of the diocese took care of the revenues of vacant abbies therein, and the archbishop, in like manner, of vacant bishopricks in his province. Both these writers exclaim against the alteration made by William Rufus, as a sacrilegious invasion of the goods of the church. Yet it was certainly justifiable by the feudal principles then established by law in England. For churchmen who held their temporalities of the crown, as baronial estates, having no heirs who could claim by descent from them, their fiefs, at their decease, reverted to the crown, as all other baronies did upon failure of heirs, and for the same feudal reasons. Nor was the king less intitled, as immediate lord of such fiefs, to the revenues and profits of these lands, than of the others so escheated. But the keeping bishopricks and abbies void, beyond a reasonable time, for the sake of retaining such profits was undoubtedly blameable. Peter of Blois says, that William Rufus, under

P. 111. ad
ann. 1100.

P. 678, 679.
ad ann.
1089.

See Giann.
Hist. de Na-
pol. l. x.
c. 12.

under the colour of seeking a fit pastor with long deliberation, kept all dignities in the church a great while vacant, and sold them at last to the best bidder, except in the single promotion of Anselm to Canterbury, which he made in a fit of sickness. He also tells us, that this monarch had in his hands at his death the archbishoprick of Canterbury, four bishopricks, and eleven abbies, which he had let out to farmers. Henry the First in his charter promised *that he would neither sell nor let out to farm the holy church of God; nor, upon the death of an archbishop, bishop, or abbot, would he receive any thing from the domaine of the church, or from the tenants thereof, till the successor should enter upon it.* Yet there is great reason to believe, that before the end of his reign the feudal notions prevailed to the abolition of this law, except with regard to the simony, by some statute now lost. It appears by the great roll which is called the fifth of King Stephen, but which evidently belongs to the latter years of his predecessor (as Mr. Madox has proved) that the revenues of these dignities were let out to farm, during the time of a vacancy, by Henry the first, as they had been by William Rufus. Stephen indeed, by his second charter, promised to put all vacant fees, with the possessions belonging to them, into the hands of the clergy, or persons belonging to the church, till the vacancy was supplied; but he paid no regard to this promise; and though Henry the Second confirmed his grand-father's charter, he did not act in this instance conformably to it, but asserted his right both to the custody and profits of the fees, which were held of his crown, by one of the constitutions of Clarendon: I say asserted his right, because those statutes were only made in affirmance of the law and customs of the kingdom, as they had been established in the time of his grandfather, King Henry the first. Nor do we find by any letters, or other evidence of those days, that the repugnancy of this claim

V. Petrum
Blesens.
supra, p. 111.
ad ann. 1100.

See the
charter in
the Appen-
dix to the
first vol. n.
IV.

V. Dissert.
Epistol. De
M. Rotulo
Scaccarii.

See this
charter in
the Appen-
dix to the
first volume,
numb. VII.
p. 630.

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to the charter of that prince was ever objected by Becket, or any of his adherents, who would hardly have failed to remark it, and avail themselves of it, against the proceedings at Clarendon, if they had not known that a sufficient and undeniable answer could be made to the charge. It must be likewise observed, that the crown was left in possession of these escheats, by the great charter of King John, and by those of his son. It may therefore well be presumed, that this part of the charter of King Henry the first had been abrogated by some statute enacted in his reign, which Henry the Second, notwithstanding the general confirmation he had given to that charter, renewed and enforced, with the consent of his parliament, by the constitutions of Clarendon, which will be particularly treated of in the following book. Of what value the escheats of spiritual baronies were to the crown, in those days, may be judged from the number which it appears by the rolls were in the hands of this king, in the sixteenth, nineteenth, and thirty first years of his reign; namely, in the sixteenth one archbishoprick, five bishopricks, and three abbies; in the nineteenth one archbishoprick, five bishopricks, and six abbies; and in the thirty first, one archbishoprick, six bishopricks, and seven abbies. It appears that the bishoprick of Lincoln was kept vacant for eighteen years together; the reason of which I shall have occasion to mention hereafter. But I would observe here, that as it was scandalous, and detrimental to religion, to let the spiritual baronies remain long unsupplied, so it was likewise against the policy of the state, not to enfeoff other barons in the temporal baronies, escheated or forfeited to the crown. For, though the tenants of such baronies continued to pay the same service to the king as they had done to the baron, yet the baronial service itself was lost, till a new feoffment was made; and in the performance of that service the whole state had an interest,

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See Madox's
Hist. of the
Excheq. c.
10. p. 209
to 212.

as well as the king. The same may be said, in an inferior degree, of forfeited or escheated knights-fees. And therefore when writers say, that the lands of the crown were inalienable, it must be understood only of those *in ancient demesne*, not of those incidental or casual possessions. Mr. Madox takes notice, that when prelaties were vacant, and in the hands of the king, he used to have, as immediate lord, the reliefs, wardships, &c. of the military tenants holding of such prelaties, together with other profits arising from the estates. And he was likewise intitled, during vacancies to the custody of prelaties founded by private lords, in case he had the heirs of those lords in wardship. The famous statute of provisors, made in the twenty fifth year of King Edward the Third, declares, that not only the king, but earls, barons, and other nobles, *comme seigneurs et advowes*, as lords and patrons, ought to have the *custody* of the prelaties founded by themselves or their ancestors, as well as the *presentation* and *collation*. The crown had therefore, in the times of Henry the Second, a double title to such custody, namely *the feudal right* arising from the vacant fee being regarded as the escheat of a barony, and *the right of patronage*, which arose from the episcopal sees, and many of the principal abbies, having been originally parts of the demesne of the crown, and *of royal foundation*. This last was by many ages anterior to the other; nor was it ever questioned in this country, till the see of Rome had encroached on all the rights of our monarchy in ecclesiastical matters. I may add, that, from the interest, the whole community had in maintaining the prelacy of the kingdom, it seems to have been an inherent prerogative of the king, to take care of the temporalities of episcopal sees, upon the decease of the bishops, till proper successors were appointed. But the enjoyment of the profits of them was no part of ancient prerogative; the claim to this being entirely derived from feudal

Hist. of the
Excheq. c.
10. p. 207.

Ibidem, p.
208.

dal notions, and by many of our princes much abused.

Hist of the
Exchequer,
c. 10. p 221,
222, 223.

Great profit, as well as power, arose to the crown from the wardship and marriage of its vassals. Some instances of this are cited, by Mr. Madox, from the rolls. In the twenty second year of King Henry the Second, Thomas de Colvill gave that prince one hundred marks, to have the custody of the children of Roger Torpel and their land, until they came to their full age. In the twenty eighth of that reign, Odo de Dammartin gave five hundred marks for the custody of the son and land of Hugh the king's butler: and in the twenty ninth Celestia, late wife to Richard Fits-Colbern, gave forty shillings, that she might have her children in wardship, with their land; and that she might not be married except to her own good liking. It is probable she gave so small a sum, because the estate was not a great one. But the highest payments of this nature which I meet with in the rolls, till after the thirty first year of Henry the Third, were made to that king, by John earl of Lincoln, and by Simon de Montfort; the former of these having given three thousand marks, to have the marriage of Richard de Clare, for the benefit of Matilda, his eldest daughter, and the latter ten thousand to have the custody of the lands and heir of Gilbert de Unfranville until the heir's full age, with the heir's marriage, and with advowsons of churches, knights-fees, and other pertinencies and escheats. Ten thousand marks containing then as much silver in weight as twenty thousand pounds now, and the value of silver in those days being unquestionably more than five times the present value, this sum was equivalent to a payment of above a hundred thousand pounds made to the Exchequer at this time. The length of the custody may perhaps have added to the price; but the estate must have been a vast one to answer such an advance; and I mention it as a proof of the great opulence of our

See the note
on the value
of money in
the Notes to
the first vol.

our nobles in the age I write of, as well as to shew how large a revenue might arise to the crown from casualties of this sort.

In treating of the sheriffs or viscounts, it has already been mentioned, that it was usual for our kings, at this time, to commit the several counties of England to the custody of those officers, or let them out in farm to them or other persons. The committee or farmer accounted to the Exchequer for the profits; which made a great branch of the annual revenue. For instance, in the reign of Henry the Second, Wimar, one of his chaplains, who had farmed of him the two counties of Norfolk and Suffolk, paid, on that account, into the treasury, or by charges allowed to him, above five hundred and forty pounds, equivalent to a payment of eight thousand one hundred pounds in these days. The cities, towns, burghs, and villages, which were in the hands of the king, either, as parts of his demesne or by escheats and forfeitures, were also commonly let to farm, and answered for to the crown, in the times of which I write, either by the sheriff, as included in the body of the county wherein they lay, or superadded to it; or by the inhabitants thereof, either in their own names, or in that of their *præpositus*, or reeve. What this revenue might amount to annually may be judged from the payment made in Henry the Second's time by Robert Fits-Sawin for the farm of the borough of Northampton, viz. one hundred pounds. The same farm in the next reign was raised to one hundred and twenty pounds, being then committed to two persons, who are styled in the Exchequer roll *præpositi* of that town. Some profits arose from the farms, or yearly payments, made to the crown, by guilds of tradesmen, in several towns of England. For example, in the eleventh year of King Henry the Second,

Madox's
Hist of the
Excheq. c.
10. p. 225.

Ibidem, p.
226, et seq.

Ibid. p. 227,
et seq.

Ibid. p. 231,
et seq.

Second, the bakers of London paid six pounds for the farm of their gild, and the same sum in the fifteenth and twenty-fourth. Of the like payments made by weavers, in many cities and towns, notice has been taken in what was said of the woollen manufacture during the reign of this king.

Of customs, or duties on merchandises, imported, or exported, I find in the rolls but little evidence during the times which I write of. But, in the nineteenth year of Henry the Second, it appears that Osbert de Brai, farmer of Windsor, accounted for four pounds six shillings and six pence, arising by the customs of ships, or barges, passing along the Thames. And in the eighth year of Richard the First, the chamberlain of London accounted for four hundred twenty-nine pounds, arising in two years from the fines and dismes paid by merchants, for tin and other merchandises, in the port of London, and ninety-six pounds and half a mark paid in fines by other merchants, for leave to import woad and sell it in England. Another chamberlain accounted, in the tenth year of that king, for several fines paid by merchants, for leave to export wool and hides. Whether these, or another imposition called *prisage*, which appears to have been paid to him, had been also paid to his father, I find no certain proof. *Prisage* was a liberty of taking from every ship, that held twenty tuns of wine, two tuns, one before and one behind the mast, at the rate of twenty shillings each; so that the king had a pre-emption in a tenth, at his own price.

Mention has been made of the aids, which, in virtue of the feudal law, were due to the king from his vassals, and from inferior lords to theirs, during the times of which I write. As they made incidentally a large addition to the royal revenue,

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See Madox's
Hist of the
Excheq. c.
18. p. 531,
532. Mag.
Rot. 8 R.
I. B.

See Hist. of
the Excheq.
c. 18. p.
525, 526.

it will be necessary to say something more of them here. The aid to King Henry the Second, for marrying his eldest daughter to the duke of Saxony and Bavaria, was collected by an imposition of one mark on each fee holden immediately of the crown, or that was in the hands of the king by escheat or wardship. It was also paid by the towns and lands which he held in demesne. According to Henry of Huntington and Roger Hoveden, (whom I quote on this point, because no record of it is extant in the Exchequer) King Henry the First, when his daughter was married to the emperor, levied this aid by a charge of three shillings a hide on all the lands of England. But these must be understood to be lands that were holden of the crown.

See Madox's
Hist. of the
Excheq. c.
15. p. 400,
et seq.

V. Hunt. lvi.

Mr. Madox says, in his History of the Exchequer, that, for the levying the aid to marry the eldest daughter of King Henry the Second, the barons and tenants in chief were commanded to certify to that prince, what fees they had, how many of the old feoffment, and how many of the new, and of whom they were holden: whereupon many of the barons, and tenants in chief who had large seigneuries, made certificates of their fees, which were called *Cartæ Baronum*, and were ordered to be laid up and preserved in the Exchequer. The originals of these, except one from the bishop of Chichester, are now lost. But they are entered, together with the names of some who sent no certificates, in the Red Book of the Exchequer, compiled by Alexander de Swereford in the reign of Henry the Third. It is observed by Mr. Madox, that the bishop of Durham was charged to this aid with seventy knights-fees, whereof he acknowledged but ten; and it likewise appears by the rolls, that the archbishop of York disallowed twenty-three and a half, out of forty-three

See Hist. of
the Excheq.
c. 15. p.
400, 401,
402, 403.

Baronia,
Book I. p.
122. Hist. of
the Excheq.
c. 15. p. 404.

three and a half, wherewith he was charged. The number of knights-fee that belonged to the honour of Richmond could not be discovered. The above-mentioned author accounts for these uncertainties in this manner. He says, "that when the summons *ad habendum servitium* had been issued, several of the barons and knights would appear before the constable and marshal of the king's host, and would proffer one half, a third, or may be a smaller part of their due service. The constable and marshal, for want of better information, oftentimes admitted these unfair proffers, being, probably, in haste to complete their army, and march against the enemy" But I would observe, that the certificates, called *Cartæ Baronum*, must, in the reign of this king, have remedied an abuse so prejudicial to the crown; as, doubtless, enquiry was made, by the barons of the Exchequer, into the reasons assigned for the difference in the numbers of the fees allowed or disallowed by the parties concerned. And Mr. Carte has clearly proved, that this inquisition was begun before the marriage of the daughter of Henry the Second to the duke of Saxony and Bavaria. Indeed this monarch was too careful, both of the revenues of his crown, and of the military strength of his kingdom, to permit such a fraud to continue; and the subsequent encrease of it was owing to the negligence and ill government of the three succeeding kings, who, by departing from his principles and methods of policy, weakened and almost subverted the whole state of the realm. The aid to Henry the Third, for marrying his eldest daughter, was twenty shillings per fee, instead of a mark, which it has been shewn was the assessment under Henry the Second. And it appears by a record, that forty shillings were granted out of every knight's-fee to Edward the First,

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Baron. book
I.c.6. p.115.

See Carte's
Hist. vol. i,
p. 574.
Diceto Col.
536.
M. Paris, sub
ann. 1163.

See Hist. of
the Excheq.
c. 15. p. 412.

18 Edw. I.
Rot. 14.
Hist. of the
Excheq. c.
15. p. 416.

on a like occasion, by common assent of the barons and other nobles of England; yet with a proviso, that this grant should not turn to their prejudice, but so that, for the future, an aid to be granted in the like case might be encreased or lessened, as they, at the time, should think meet. I find no account of what was taken by Henry the Second for another feudal due, viz. on the making his eldest son a knight. But Mr. Madox has shewn, from the records of the Exchequer, that forty shillings were granted to King Henry the Third from every knight's-fee on that occasion. It must be remarked, that neither of these aids were demandable from lands holden in frank almoigne or socage. There were other aids paid to the crown of a different kind from these. For instance, in the fourth year of King Henry the Second, a *donum* was paid for counties, cities, towns, or burghs, and likewise by the barons and knights for their respective fees, and perhaps for other lands. This produced a great sum; for the city of London alone paid to it one thousand and forty three pounds. The county of Lincoln paid two hundred, the county of Somerset one hundred, the county of Essex two hundred marks of silver, and the county of Kent fourscore pounds. The bishop of Bath paid five hundred marks, the abbot of St. Albans one hundred. It would be tedious to mention all; but I observe that there is a great inequality in the payments; which probably arose from these *dona* being considered as benevolences, and therefore not levied according to any settled rate, but to the will of the giver. Several others were paid during the reign of this king. Mr. Madox says, in his History of the Exchequer, that, in the times I write of, the word *donum* was used with great latitude, signifying in general, according as it was applied, either aid, scutage, or tal-

See Hist. of
the Excheq.
c. 15. p.
414, 415.

Ibid. c. 17.
p. 481, 482.

Ibidem, c.
15. p. 419,
420.
Ibid. p. 480.

lage. But I believe that it never signified scutage in the sense of a commutation for military service, but only as being paid by the military tenants and out of the knights-fees. Of that commutation a great deal has been said before in this history, and in the notes to this book. I shall only add here, that this part of the revenue could not be levied for any civil use, but was appropriated to those services of a military nature, for which the feudatories who paid it were permitted to commute. But the *dona* arising from knights-fees do not appear to have been appropriated to military services, or to have been rights, or necessary incidents, of feudal tenure. Henry the Second had no war in the fourth year of his reign, when the above-mentioned *donum* was paid to him by his barons and knights for their fees. And I can hardly doubt that, in his time, such aids were granted by parliament.

See Hist. of
the Excheq.
p. 482.

Ibid. p. 502.

Ibid. p. 492.

Ibid. c. 17.
p. 480 to
487.

Ibid. p. 512.

As for tallage, it appears that it was payable to the king from his manors in demesne. Those that were in his hands, as escheats and wardships, were likewise talliated by him, and great sums were raised from them, as well as from the former. But it is observable, that the payments made by cities, towns, or burghs, when the demesne lands paid tallage, were frequently entered on the rolls, *de dono*. Whether this imported any distinction in the nature of the payment I cannot determine. In other rolls the word *assisa*, which signifies an assessment, is made use of, and in some *tallagium*. Lands holden *in frank almoigne*, or holden by *knights-service*, were exempt from tallage. On this privilege of the latter it will be necessary to make some observations. That it was acknowledged to belong to them in the reigns of King John and his successor appears undeniably, from the records of those reigns, which Mr. Madox has
cited

cited on this subject. For example, it is declared in the roll of the first of King John, that the town of Wicomb was charged with thirty pounds and eight pence for tallage; but the grand-justiciary and the barons of the Exchequer determined, that this manor ought not to be talliated, because Alan Basset did knight-service for it; as appeared by his charter. And there is other evidence as conclusive for a like admission of this privilege to those who held by the same tenure under King Henry the Third. But I must observe, that by two laws of William the Conqueror, which have been mentioned before, and which are recited in the Appendix to the first volume of this history, the same exemption is granted to *all the freemen of the kingdom*. And both these laws seem to refer to a preceding statute, now lost, by which the feudal policy of the Normans had been established in England. Nevertheless, in the charter of King Henry the First, the *military tenants alone* appear to be exempted from such impositions, and the exemption is granted only *to the lands they hold in demesne*. Whether this difference arose from any other statute, made by William the First after the two above-mentioned, or from a narrow and unfavourable construction thereof, by a subsequent usage, I cannot say. But in the rolls of the 40th year of Henry the Third I find two instances of a right of exemption from tallage allowed to persons, who do not appear to have held by any military tenure; the records saying only, that one of them held *in capite*, and that the other was enfeoffed of a freehold (*libere feoffatus*). Mr. Madox indeed translates these words *enfeoffed in chivalry*, but by what authority I do not see; since it is certain that there were vassals, who were *libere feoffati*, and yet did not hold in chivalry. On the other hand, a record is cited by the same author, which shews that, af-

Ibid. p. 513.

Vid. Leges
Gul. I. 55.
58. in Ap-
pend. l. i.
vol. i. num.
II. p. 614,
615.

See Appen-
dix, ut su-
pra, numb.
IV. p. 626.

See Hist. of
the Excheq.
c. 17. p. 513.
Notes d. e.
Robert de
Holt, Ri-
chard de
Wygeden.

Ibid. p. 491.

ter great disputes, the mayor and citizens of London, in the thirty-first year of King Henry the Third, acknowledged that they were talliable, and gave the king three thousand marks, which he had demanded of them, in consequence of a decree of his council at Merton, that he should talliate his demesnes, to answer the great expences he had been at in foreign parts. It does not appear that this council was a full parliament. But the record says, that they offered in it to give two thousand marks *by way of aid*, and declared positively, *they could and would give no more*. But afterwards, in a council holden at Westminster, the only dispute was, whether the sum demanded by the king should be given as an *aid*, or as *tallage*; which was decided by the rolls of the Exchequer and the Chancery, from whence it was proved, that they had before been talliated; but the evidence went no higher than the sixteenth of King John. I am apt to believe, that till that time they had been exempt from tallage; but had paid aids and free gifts, *auxilia* and *dona*. However this may have been, it is declared, most explicitly, by King Edward the First, in his *confirmations of the charters*, that the aids, free gifts, and other impositions irregularly taken or levied by him or his ministers, before that time, for his wars or other necessities, *should not be drawn into precedent because they might be found recorded in the rolls*: and he therein grants to the nobility and commonalty of the realm, that, for the future, he would not, for any necessity whatsoever, take any such aids, or impositions, *without the common assent of the whole kingdom, and to the common benefit thereof*; with a reserve of the *ancient aids and impositions due by custom*. What these were I have shewn before, namely the aids allowed by the great charter, for redeeming the person of the king from captivity,
for

for marrying his eldest daughter, and for knight-
ing his eldest son. As for *danegeld*, on what oc-
casions, and in what manner, it was levied, has
been already set forth. It will be sufficient to add Ibidem, p.
479. here, that in all or most of the accounts thereof,
delivered to the Exchequer in the second year of
King Henry the Second, a large deduction is made
under the terms *in wasto*, which Madox rightly
ascribes to the desolation of the country by the ci-
vil war in the reign of Stephen.

Another very considerable source of wealth to
the crown arose from fines, or *oblata* (that is vo-
luntary proffers of money made to the king) and
amercements for offences. Manifold fines were See Hist. of
Excheq. c.
11. p. 273,
274. paid for grants and confirmations of liberties and
franchises. For example, in the reign of King
Henry the Second, the burgesses of Bedford fined
in forty marks, to have the same liberties as the
burgesses of Oxford. The burgesses of Shrewsbury
fined in two marks of gold to have their town at
farm. The men of Preston gave a hundred marks
of silver to have the same liberties as the men of
Newcastle: the burgesses of Cambridge three hun-
dred and one of gold, to have their town at farm,
and be exempt from the sheriff of the county's in-
termeddling. Robert, the son of Bustard, fined
in ten marks of silver, for a confirmation of his
privileges, and that he might not be impleaded,
except before the king or his justiciary. These
few instances are sufficient to shew the nature of
such payments, and to what the value of them
might amount upon a great number collectively.
Mention has been made in another place of fines
paid to the king, by those who held of him in
chief, for licence to marry, or that they might not
be compelled to marry against their inclination.
Some notice has been also taken of fines relating
to trade or merchandise; particularly of those that

were paid by gilds of weavers, in many parts of England. These were an incumbrance upon traffick; but not a very grievous one in the times of which I write: for it does not appear that any of the payments were excessive, till after the decease of Henry the Second. A great number of persons fined in considerable sums to obtain the favour of the king, or to induce him to remit his anger and displeasure. For example, in the reign of Henry the Second, Gilbert, the son of Fergus, is charged in one of the rolls, as debtor to that prince of nine hundred and nineteen pounds, nine shillings, for obtaining his good-will; and William de Chataignes in another, as owing one thousand marks, on account of Henry's remitting his anger against him, and confirming his charters. But the most enormous of these payments, recited by Mr Madox, in his History of the Exchequer, is in Henry the Third's reign, when the citizens of London fined in twenty thousand pounds, more than equivalent in those days to three hundred thousand in these, for obtaining the good will of that monarch. It would be tedious to enumerate every other species of fines, which continually brought money into the Exchequer, for the aid, the protection, or mediation of the crown, in various cases. The worst of all, and which are a scandalous disgrace to the government in the times of which I treat, were those that interfered with law-proceedings and the justice of the kingdom. Even in the reign of Henry the Second, we have instances of fines being paid to the king from several of his subjects, for stopping or delaying of pleas, tryals, and judgments; or for expediting and speeding them; or to have seisin or restitution of their lands or chattels; or that they might not be disseised; or to be replevied or bailed; or to be quit of certain crimes, or certain methods of tryal; (as, for instance, by hot iron,) or to have the

Hist. of the
Exchequer,
p. 327.

P. 329.

See the Hist.
of the Ex-
cheq. c. 12,
13.

the assistance of the king in recovering their debts. Mr. Madox is of opinion, that the clause in *Magna Charta*, “*Nulli vendemus, nulli negabimus, aut differemus rectum vel justiciam*,” had a reference to these fines. And he observes from the records of subsequent reigns, that it seems to have had its effect. I understand those words to have had a higher and more extensive sense, though this practice may have fallen within the purport of them: but however that may have been, the iniquity of it was certainly carried much further, by the sons and grandsons of Henry the Second, before the charters were established, than during his reign. And he had the example of his grandfather, Henry the First, a just and wise prince, as well as of other feudal governments over all parts of Europe, to plead in defence of these profits so dishonourable to the crown. There were likewise *concurrent fines*, and *counter fines*; the first, when both parties, concerned in any matter, fined to obtain the same thing; the last, when their requests or applications to the crown were directly opposite. But, upon considering the records, it appears to me, that although money was paid by each suitor, it was always returned to the party that was unsuccessful in the suit. Many fines were paid for permission to hold or quit certain offices. Others are mentioned by Mr. Madox, under the title of *miscellaneous*, as not being reducible to any class or general head. Of these I do not find any, in the times contained in this history, worth particularising here: but he recites one, under the reign of King John, which is of a singular nature. The wife of Hugh de Neville fined to that monarch in *two hundred hens*, that she might lie one night with her husband; but the distressed lady not being able to provide them immediately, her husband was pledge for the payment of one hundred of them,

Ibidem, c.
12. p. 314.

P. 315, 335.

P. 325.

P. 326. a.

them, and Thomas de Sandford for the other hundred, within a limited time. It is probable that either Hugh de Neville, or his consort, was a ward of the crown, and had married without the king's consent. Other instances might be produced from the rolls of the Exchequer in the same reign, that no profits were thought below the acceptance of the king, and that he exercised a kind of ludicrous tyranny in this traffick with his subjects : but these must rather be imputed to the character of the man, than to the law or custom of the times.

L. ii. c. 26.

We learn from the dialogue *de Scaccario*, written in Henry the Second's reign, that when a fine of a hundred marks was offered to the king, a mark of gold was at the same time to be paid to the queen, and so in proportion for all above that sum : but whether any thing was due to her, upon the proffer of a fine below that sum, was then matter of doubt. The origin of this demand was, I presume, a supposition, that, as fines were given for some favour requested of the king, or in mitigation of some penalty or burthen laid on the subject, the queen's good offices with him ought to be purchased by the suitor.

Amercements for offences produced vast sums. The subject is too extensive to allow me to enter into particulars ; and I shall have occasion, in a subsequent part of this work, to take notice of some records, relating to amercements in the History of the Exchequer, when I shall treat more distinctly of the criminal law of England during the times of which I write. It will be sufficient here to say, that only from trespasses in the forests an ample annual revenue accrued to the king, and much more from the great variety of other misdemeanors, defaults, and trespasses, for which, by the law of those times,

amercements

Hist. of the
Exchequer,
p. 272.

amercements were due, or for which composition was made by fines. But before I conclude this account of the royal revenues, a particular view must be given of the state of the Jews in England, from the reign of William the Conqueror to that of Henry the Second inclusively. The religious notions of the times, and laws founded thereupon, forbidding usury to all Christians, and not distinguishing between that and a reasonable interest for money upon loans, without which neither commerce could well be carried on, nor the sudden exigencies of the government, or of particular persons, be supplied, the Jews were necessary, as money-lenders; and a great number of them were settled in the principal cities and towns of England, under the special protection of the crown. That they had been here several centuries before the entrance of the Normans, (though probably not in so great a number, seems to be proved by a canon published by Ecgbriht archbishop of York, in the year 740, which forbids any Christians to be present at the Jewish feasts. Yet we have little account of them during the Saxon times, or in the reign of William the Conqueror: but the contemporary historians are full of indignation against William Rufus, for favouring them too much: and indeed, if the tales they tell are true, there was great indecency and impiety in his proceedings. We may at least conclude from thence, that he shewed more kindness to the Jews, than the temper of the age would well bear. It appears by a charter granted to them in the second year of King John, that they had also received charters from Henry the Second and Henry the First. The preamble of it runs thus: " Know that we have granted to all the Jews of England and Normandy, to reside *freely* and *honourably* in our land, and to hold of us every
" thing

See Coke's
Institut. P.
II. Stat. of
Merton, c.
5. p. 89.
Glanv. l. vii.
c. 16.

See Hist. of
the Excheq.
c. 7. p. 174.

“ thing *which they held of King Henry, the grand-*
 “ *father of our father*, and all which they now
 “ rightfully or reasonably hold, in lands, in fiefs,
 “ and in their pledges, or purchases ; and to en-
 “ joy all their liberties and customs, as well, as
 “ quietly, and as *honourably*, as they enjoyed them
 “ in the time of the aforesaid king our grandfa-
 “ ther.” The following articles of the charter
 contain very considerable privileges, which the
 reader may see in the Appendix to this book. Four
 thousand marks were given by all the Jews of Eng-
 land for this *confirmation of their charters*, as it is
 styled in the record of that payment. But this
 did not prevent very grievous and tyrannical op-
 pressions of them, in that and the following reign.
 They seem to have been treated much more a-
 vourably by the five first kings of the No-man
 race. To Henry the Second indeed they paid a
 fourth part of their chattels by way of *talage*, in
 the thirty third year of his reign ; which was a
 heavy imposition : but it was for the recovery of
 the Holy Land, to which all his subjects contribu-
 ted in an extraordinary manner, and one cannot
 wonder that this people should be taxed higher
 than the rest on such an occasion. The former de-
 mands upon them, in this reign, appear not to
 have been great. Yet by fines and *oblata*, or by
 amercements for trespasses, they were very profit-
 able to the crown. In the twenty third year of this
 king, *Jurnet* the Jew fined in two thousand marks,
 another Jew in three thousand, and another in five
 hundred pounds. We also find that, in the thir-
 ty first of the same reign, the whole body of the
 Jews stood charged with five thousand five hundred
 and twenty five marks, and half a mark, for the
 amercement of the above-mentioned *Jurnet* ; and
 they

Ibidem, p.
 155. Oblata
 2 John. M.
 3.

Ibidem, p.
 151. c. 7.

Ibidem, p.
 153, 154.

they were to have his effects and charters, to enable them to pay it. This man must have been immensely rich: soon after the discharge of this amercement, in the fifth year of King Richard the First, he gave to that monarch a fine of eighteen hundred marks, for leave to reside in England with his good-will. In the reign of Henry the Third P. 155. the exactions from the Jews were prodigious. One single tallage laid upon them, about the twenty seventh or twenty eighth year of that king, amounted to no less than sixty thousand marks. Putting Hist. of the Excheq. c. 7. p. 152, 153. the value of silver in those days at only five times above the present (and it should, I believe, be put higher) this sum will be equivalent to six hundred thousand pounds in these times; as every pound contained the weight of three of ours. The usury of the Jews must have been enormous, and their profits in traffick very great, to enable them to bear such impositions without absolute ruin. Indeed, (to use the words of Mr. Madox) “ as they P. 150. c. 7. “ fleeced the subjects of the realm, so the king “ fleeced them.” Probably, in the reign of Henry the Second, when they were much less harrassed by the government, they contented themselves with a lower interest for the use of their money. There was a particular place appointed for the Hist. of the Excheq. c. 7. p. 157. management of the revenue arising from this people, called the Exchequer of the Jews, which was a part or member of the Great Exchequer. Certain persons were assigned to be curators of this revenue. They were usually styled *custodes* and *justiciarii Judæorum*. Mr. Madox says, “ that in “ *the more ancient times* there were commonly Christians and Jews appointed to act together in this “ office. Afterwards they were, for the most “ part, Christians only.” By *the most ancient times* I understand he means those which are treated of

of in this work. Upon the whole it seems, that the revenue annually accruing to the crown from all these different branches, exclusive of its demesne, or ancient landed estate, was at least equal to that in value. But from what has been said on the nature of them this observation will occur, that it is a point of good policy, and of great benefit to a kingdom, that whatever is necessary for the maintenance of the honour and dignity of the crown should be supplied by a fixed and stated income, instead of arising from a variety of incidental profits, which can hardly ever be taken without some diminution of the majesty of the sovereign, some vexation to the people, some inconvenience or detriment to trade and commerce, or some offence to justice.

Of the manner of paying out, or issuing the king's money, I shall give a few instances from Mr. Madox's History of the Exchequer, which at the same time will exhibit some curious particulars of the way of living in those times, of the magnificence and liberality of our princes, and of the produce and traffick of the country. In the reign of Henry the First an allowance was made to the several sheriffs of Staffordshire, Northamptonshire, and Leicestershire, for mead and beer provided by order of the king; for money delivered to his vine-dresser at Rockingham, and for necessaries for the vineyard. In different years of King Henry the Second's reign allowances were made to the officer who farmed Windsor of that prince, for wine, perry, and cyder; to the farmer of the town of Hampton, for wines, and the carriage of them; which wines were chosen by the king's butler, and sent to several of the king's houses, namely at Fekenam, Nottingham, Gattinton, Woodstock, Marlborough, Titgrave, Lutterhall, and Clarendon; and to the sheriff of Hampshire for corn, barley, and honey, to make ale with, for the

Hist. of the
Excheq. c.
10. from p.
249 to 257.

the use of the king's son-in-law, the Duke of Saxony. For the helmet and belt of this monarch, and for furbishing and gilding his swords, and for work done upon the points and hilts of them, the sheriffs of London disbursed, in the fifth and the eighteenth year of his reign, nineteen pounds, and odd money, equivalent in those days to near three hundred pounds in these. They likewise paid twenty pounds, and upwards, in the first of these years, for a robe for the use of the queen; and in the latter, fourscore and eight pounds, odd money, for the coronation robes of the young king and of his queen, and eight pounds eight shillings for a riding dress and three silken cloaths for that prince. Richard, archdeacon of Poictiers, *custos* of the bishoprick of Winchester, disbursed two hundred pounds to Osbert clerk of the chamber, and other chamberlains, for the king's use upon his journey back from Ireland, and for the young king's *currody*, or maintenance, for three days before his coronation, and on the coronation day. For the entertainment of the king of Scotland sixteen days, the sheriff of Yorkshire disbursed a hundred pounds, and odd money, in the third year of this reign. Among other articles for the use of King Henry the Second and his family, mention is made of linnen napkins, and linnen garments; of the skins of mountain cats, of martins, and ermins; of red, scarlet, and green cloths; of silken garments silken caps, dalmatiques, and tunicks. In one of the rolls there is a charge of ten pounds, six shillings, paid to Joseph the king's physician for spices and electuaries. I find no account of any painting in the palaces of this prince: but, in his grandson's time, the sheriff of Nottinghamshire was ordered to cause the queen's chamber at Nottingham to be painted with the history of Alexander. It seems that the rooms of Henry the Second's palaces were generally

rally hung with cloth. The several sheriffs, and others who farmed the king's revenues in different parts of the realm, were likewise ordered to disburse considerable sums for provisions and expences relating to war, arms, garrisons, knighthoods, and the like. But it will be unnecessary to enter into further particulars on this or other issues of the money of the crown. I will only take notice, that the forms and methods of accounting at the Exchequer, established in that age, were so excellently contrived for the preventing of frauds, and for good order and regularity in the publick accounts, that they have continued unaltered even to this day, during the course of above five hundred years. The institution of them is ascribed to William the Conqueror ; and the author of the dialogue *de Scaccario* says, he took the plan of them from the Exchequer in Normandy, yet with many differences, and even in points of great importance. The great power and dignity of the court of Exchequer, in those times, is thus set forth by that writer : “ The authority of this court is very eminent, as well in respect of the image of the king
 “ imprest on his great seal, which is constantly
 “ kept in the treasury, as of the persons who sit
 “ there, by whose wisdom the whole state of the
 “ realm is preserved and maintained in safety.
 “ For there resides the king's chief-justiciary,
 “ who is next to the king in jurisdiction ; and
 “ all the greatest men of the kingdom, who are
 “ of his privy council, have also places there ; that
 “ whatsoever is decreed or determined in the presence of so august an assembly may remain inviolable. But some sit there by virtue of their
 “ offices, and others only by the command of the
 “ king.” He then tells us that the latter, who were generally persons of the highest rank and
 most

L. i. c. 4.

most reputation for prudence, either of the court or the clergy, were occasionally called to assist in the decision of nice and doubtful cases. Mr. Madox observes, that before the end of King Henry the Third's reign the Exchequer fell in great measure from its ancient grandeur, and from thenceforward continued in a state of declension.

Hist. of the
Excheq. c.
20. p. 548.

In describing the civil and political state of England, from the coming in of the Normans to the reign of Henry the Second, inclusively, it will be necessary to say something more of the condition of cities and boroughs within that period: and first of London—The charters granted to that city by William the Conqueror and Henry the First have already been mentioned in a former part of this work. The reader may see them translated into Latin in the Appendix to this book, together with another accorded to it by Henry the Second. This last is a confirmation of all the liberties and free customs which they had in the time of his grandfather, King Henry the First, with some additional benefits and immunities. It is without a date; but there is reason to place it, as Spelman does, in the first year of Henry the Second. I shall only observe upon it here, that, considering the attachment, which the citizens of London had shewn to Stephen, and the manner in which they had driven the empress Matilda from her palace at Westminster, it is one of the strongest proofs, both of the clemency of her son, and of his wife resolution to appease the troubles of his realm by a total oblivion of all past offences, that, instead of abridging their liberties, he so graciously confirmed and enlarged them. Of the state of this city in his reign we have an account from Fitz-Stephen, a contemporary writer, which has some particulars that deserve to be taken notice of here. According to him, it was then strongly fortified on all sides, except to the river, the tides of which had undermined and destroyed the ancient wall, that

Vid. etiam
Wilkins Le-
ges, p. 290.
235, 318.

V. Stephan.
in Mun.
Brit.

had been erected along its banks or strand. On the eastern side was the white tower, built by William the First, which he calls *Arcem palatinam maximam et fortissimam*: on the western were two other very strong castles (viz. those of Baynard and Mountfitchet) besides the walls, which were high and thick, and, on the northern side, at proper distances, strengthened with turrets. On this description I would observe, that, in Henry the Second's reign, it was not necessary to repair the ruined wall of the city along the river, as there was no danger of an enemy's being able to sail up it, after the tower and bridge were built. The same historian speaks of seven double gates, which are supposed to have been Aldgate, Bishopgate, Cripplegate, Aldersgate, Newgate, Ludgate, and the Postern near the Tower. He also describes the royal palace of Westminster, rising high and stretching wide over the banks of the river, at two miles distance from London, with a continued suburb all the way, and calls it *an incomparable building*, defended by an outward wall and turrets. When this palace was built is uncertain; but the hall was added by William Rufus. Along the whole extent of this suburb were gardens of the citizens. To the north were open fields; and beyond these was a large forest, of which Enfield Chace is but a small remainder. Among the game contained therein Fitz-Stephen mentions wild boars. He also takes notice that it was full of yew trees, the growth of which was particularly encouraged in those days, and for many succeeding ages, because the wood of them was esteemed the best for making bows. In reckoning up all the glories of the city, he says, that no other in the world sent out its wealth and merchandise to a greater distance; and among the imports brought thither, by foreign merchants trading to it, he mentions gold, spices, and frankincense, from Arabia; precious stones from the Nile; purple vests from the East-Indies; oil of palms

See Maitland's Hist. of London, P. 15.

V. Steplian. ut supra.

palms from Bagdat, or Babylon; furs and ermines from Norway and Russia; arms from Scythia, or Tartary; and wines from France. He adds, that it was famous for the chastity of its matrons, and that its citizens were distinguished above all others in England, by the superior elegance of their manners, their dress, and their tables. But in the account he gives of the number of fighting men, who marched out of the city, upon a muster made by King Stephen, he exaggerates most enormously: for he makes them sixty thousand foot, and twenty thousand horsemen; whereas Peter of Blois, at that time archdeacon of London, in a letter to the pope, reckons all the inhabitants of that city at no more than forty thousand. If there was any such muster, it must have contained the militias of Middlesex, Kent, and other adjacent counties, which may have been drawn together by that monarch, and united to the militia of London, on some occasion, during the course of the civil war between him and the empress. But this historian is supported by the archdeacon's authority, in affirming, that there were in the city and suburbs a hundred and twenty six churches, besides thirteen that belonged to convents. He speaks of three schools, or rather colleges, appertaining to London, which, he says, were of *ancient dignity*, and wherein, by particular privilege, was taught not only grammar, but poetry, rhetoric, and logick; besides which many other schools were occasionally opened by persons of note in philosophy, who were encouraged to teach and read lectures. The description given by this author of the military sports of the citizens has been inserted into a former part of this book. Among their diversions in time of peace he mentions cock-fighting and foot-ball; and says, that in summer the young girls danced by moon-light to the musick of the harp. In winter, the young men entertained themselves after dinner, upon all festival days, with bear-baiting, bull-baiting, and combats of dogs with wild boars; or

Vid P. Blef.
epist. 151.
ad Innocent;
III. papam.

V. Stephani.
ut supra.

with sliding and skating on the ice of a great pond, or lake, which was contiguous to the northern wall of the city. But the chief amusement, wherein the greater part of the citizens employed their leisure, was hunting and hawking, which they had a right to do in the counties of Middlesex, Hertford, and Kent, as far as the river Cray, and in all the district called the Chiltern. Fitz-Stephen tells us, that, instead of theatrical entertainments, they had representations of the miracles performed by saints, and of the sufferings of martyrs. It is observed by the author of a late excellent abridgment of the history of France, that a monk, named Geoffry, who was afterwards abbot of St. Albans, being entrusted in these times with the education of youth, caused a kind of pious tragedies to be represented before them, and that the subject of the first of these dramatick pieces was the miracles of St. Catherine. He likewise takes notice, that these spectacles, thus exhibited in this kingdom, were anterior, by more than a century, to the representations of the mysteries in that of France. Fitz-Stephen says, that excessive drinking and frequent fires were the only pests of London. The latter must have been partly occasioned by the former, and partly by the houses being mostly built of wood. Yet there were some of stone, and of a handsome architecture, according to the taste of those days; for the same author affirms, that almost all the nobles of England, and particularly the bishops and abbots, had fine edifices in that city, or in the suburbs belonging to it, where they made great expences, when they were summoned to parliaments or to synods. He calls London the capital of the kingdom of England; (*regni Anglorum sedes* :) which title perhaps might have been formerly disputed by Winchester, the royal seat of the West-Saxons, and the place where the Norman kings had usually kept their regalia and treasure. But the latter, having suffered a great diminution of
its

Vid. Abrege
Chronol. de
l'Hist. de
France, t. i.
sub ann.
1179, 1180.

V. Stephan.
ut supra.

See Cam-
den's Bri-
tannia,
HANT-
SHIRE.

its splendor, in the civil war between Stephen and the empress Matilda, could no longer stand in competition with the former. The northern metropolis, York, was also much declined from its pristine greatness and opulence, by the devastations it had suffered in the reign of William the Conqueror, and by a fire which had consumed a part of it in that of Stephen. Ibidem, YORKE-SHIRE.

As many of the cities, towns, or boroughs, as were not portions of the ancient demesne of the crown, belonged to the demesnes of some spiritual or temporal lord, and were under his patronage and protection. But this tenure was no more a servitude, than any other socage tenure, either under the crown or the barons. Nor were the charters granted to many towns by the kings of the Norman race, whereby they were declared to be *free boroughs*, charters of enfranchisement from a state of slavery, as some have supposed, but grants or confirmations of certain privileges, exemptions and favours, such as freedom from tolls, and other impositions, which the reader may see enumerated in a charter of King John to the burgesses of Dunwich, cited by Madox in the eleventh chapter of the History of the Exchequer, p. 276. from whence I have transcribed it in the Appendix to this book. That author says, “that when the king granted liberties to any of his demesne manours or towns, he was moved to it by two reasons: One, the fine paid in hand; the other, the improvement, or (as they anciently called it) the amendment of the manor or town.” But it appears from the above-mentioned charter of King John, and several other records, that some of the towns, to which liberties of this nature were granted were not only in a state of freedom, but had *gilds* for trading communities, before such grants were made to them. In some of these charters an exemption from tallage was accorded, in others a right to talliate them was expressly reserved. The tallages assessed upon the

Hist. of the
Excheq. c.
11. p. 291.

See Tyrrel's
Append. to
the Hist. of
Eng. vol. iii.
p. 152, 153.

king's ancient demesnes were more heavy than those upon other persons in the counties; and therefore petitions were made against such impositions, when laid on those who did not hold by that species of tenure. Thus, in the ninth year of Edward the Second, the men of the towns of Okham, Egilton, and Langham complained to the king, that, although their lands and tenements in those towns were not of the ancient demesne of the crown of England; and when the king's progenitors caused their demesne lands to be talliated, they and their ancestors were not wont to be talliated, but, in all aids granted to the king and his progenitors *by the community of the realm*, were wont to contribute *with the community of the county of Rutland*; yet lately, when the king assessed a tallage upon his demesnes, in the sixth year of his reign, they were talliated as tenants in ancient demesne, and such tallage was demanded of them by summons of the Exchequer. Whereupon the king commanded the barons of the Exchequer to inspect Domesday-book, and if they found thereby that the said towns were not of the ancient demesne of the crown, and that the men thereof had not been talliated in any former times together with the demesnelands, *but had always contributed to aids granted to the king's progenitors*, and to himself, *with the community of the said county*, then to acquit them of the said demand, and release the distrelles. It also appears by the rolls of parliament, in the first year of the same king, that when the *communities of the counties* had granted a *twentieth* part of their moveable goods, the *citizens, burghesses, and communities of cities and burghs*, and also the *tenants of the ancient demesne of the crown*, granted a *fifteenth*. Mr. Madox says, "that, as the king had tallage of his demesne-men, so some subordinate or private lords had tallage of their's: but that many of the lands which were talliable to private lords were such as at one time or other moved from the king, and were wont to be talliated to him while they were vested

See Hist. of
the Excheq.
c. 17. p. 449.
600. f.

See Rot.
Parl. 1 Ed.
II. p. 1.
M. 7.
Tyrrel's
Hist. of
England,
vol. iii. Ap-
pend. p. 176.

Hist. of the
Excheq. c.
17. p. 516.

vested in the crown. As, when the king granted to a subject a demesne manor or town, together with the homages, aids, tallages, and other profits thereof, to hold to the grantee and his heirs; in such case the grantees and his heirs had power to talliate the men of such manor or town to their own use, when the king talliated his demesnes and manors throughout England; but not otherwise, or at other times." Upon the whole, the condition of citizens and burgessees holding of the crown in those days was never worse, but often better, by diverse privileges and favours granted to them, than that of all its other tenants in ancient demesne, who held by free socage: and the same may be affirmed of those who belonged to private lords. Yet, all have been brought into a more perfect and a more regular state of freedom, by the re-asserting of ancient rights, impaired by ill practices or the application of feudal notions to the course of law in this kingdom, beyond what was authorised by the consent of the nation in parliament, cannot, I think, be denied. From the first entrance of the Normans, till long after the times contained in this history, the power of restraining and curbing the royal authority was chiefly in the barons, who often connived at an irregular exercise of it, that they themselves might be permitted, and even aided by the crown, in like acts of sovereignty over their vassals, particularly with regard to tallages, and other such impositions.

Lord Hale observes in his History of the common law of England, " that William the First, P. 102, 103.
C. 5.
" after his victory, did, as all wise princes would
" have done, endeavour to make a stricter union
" between England and Normandy; and, in order
" thereunto, he endeavoured to bring in the French,
" instead of the Saxon language, then used in
" England: from whence arose the practice of
" pleading in our courts of law in the Norman or
" French tongue, which continued till the statute
" of the thirty sixth of Edward the Third." But

See the first
volume,
p. 15.
Ingulphus,
p. 62. Gale's
edition.

Gale's edi-
tion, p. 71.

it has been mentioned before, upon the authority of Ingulphus, a contemporary historian, that, even in the reign of Edward the Confessor, French was spoken by most of the English nobility, and the Norman forms were used in legal proceedings. This made it much less difficult for William the First to establish the practice taken notice of by Lord Hale, which indeed was absolutely necessary to enable the Normans, whom he appointed his judges, or whom he enfeoffed with earldoms or baronies, or employed as sheriffs or viscounts, to exercise the judicature which belonged to their offices or fiefs. It must however be observed, that most of the laws and charters of that age, and our oldest law-books, Glanville and Bracton, were written in Latin. Ingulphus tells us, that, in the reign of William the Conqueror, children were taught their first rudiments, not in the English, but French language. Yet the desire, which he says, was shewn by the Normans to abolish the use of the English was never effected: but on the contrary, from the intermixture of the two nations a language was formed, in which the Saxon was much more prevalent than the Norman or French. We have a charter of King Henry the Third in the English of that time, which, as it is curious to see how near the language then written approached to that of the present century, I have given, with a translation of it into modern English, in the Appendix to this book, from Mr. Tyrrel's Appendix to the third volume of his history of England. No small part of the difference between the original and the translation appears to be in the comparative length of the words, which we have now abridged, by leaving out some of the vowels then inserted, and omitting the syllable *en* at the end of many verbs; as for example, writing *land* instead of *loande*, and *send* instead of *senden*: an alteration which has not added to the harmony of the tongue.

But

But there are in the Cotton library some manuscript historical poems, composed in Norman French, by a reading clerk, named Wace, to whom (as he tells us himself) King Henry the Second gave a prebend at Bayeux, and many other benefactions. They have nothing to distinguish them from the dullest chronicles of that age, but metre and rhymes. Yet, as they are a specimen of what was then imagined to be poetry, I have transcribed some of them into the Appendix annexed to this book. The poets of Provence wrote something better; of which we need no other proof than the verses composed in their style and dialect by King Richard the First: but the best of the French *romanciers* were very inferior in genius, and the spirit of poetry, to the ancient Gallick and British bards, or even to the Saxon and Danish poets before their conversion to Christianity, which seems to have taken from them that wild greatness of imagination and sentiment, discoverable in some of their ancient poems. There is no book written in French or English prose, during the period which I treat of, that has come down to these times. Indeed those who in that age were best qualified to be authors all wrote in Latin. The familiar letters that passed between Becket and his friends, and all the dispatches of business, sent to or from him in his exile; nay, the very love-letters between Abailard and his disciple and wife Heloisa, after their unfortunate separation, were written in that language. It is justly observed by Mr. Inett, in his Ecclesiastical History, “ that the conclusion of the seventh, and the beginning of the eighth century, have a taste of learning that is no where else to be met with in the English writers before the Norman conquest: but the writings of Aldhelm bishop of Sherburn, of Ceolfrid abbot of Jarrow, and tutor to Bede, and those of Egbert bishop of York, and Eddius, and Bede, who all lived during

See Inett's
History of
the English
church, p.
161. c. 10.

“ during that period, so exhausted the genius of
 “ the English nation, that except Alcuinus and
 “ Clemens, who were bred under Egbert, not
 “ long after Bede, and who, in the latter end of
 “ the eighth and the beginning of the ninth cen-
 “ tury, made so great a figure in France, we find
 “ nothing like it in the succeeding ages, till the
 “ Norman invasion brought the spirit of this age to
 “ life again.” One principal cause of that declen-
 sion was the ravages of the Danes. The great
 Alfred expressed his grief, that whereas, in times
 past, foreigners came to England in search of wis-
 dom and learning, themselves, in his days, were
 forced to go abroad to seek for them; while so
 gross an ignorance overspread the nation, that very
 few priests, south of the Humber, could under-
 stand the ordinary service of the church, and he
 knew none, south of the Thames, that could turn
 a piece of Latin into English. Through the inde-
 fatigable application of this admirable prince to the
 remedy of this evil, by bringing over learned fo-
 reigners, and by the example which he gave him-
 self to his subjects, science began to revive in Eng-
 land; but it declined again under his successors,
 and continued in a low state till the entrance of the
 Normans.

V. Affer. de
 Ælfredi re-
 bus gestis, p.
 27. Camden.
 Anglica,
 Normanni-
 ca, &c.

Abregé
 Chron. de
 l'Histoire de
 France, p.
 154. sub
 ann. 1087.

A late French writer takes notice, that William the Conqueror protected letters, and that they had great need of his patronage, in a time when books were so rare, that Græcia, countess of Anjou, bought a collection of homilies at the price of two hundred sheep, a bushel of wheat, another of rye, a third of millet, and some skins of martins. But it is probable that the dearness of this particular book was rather owing to an extraordinary value set upon it, by those who sold it, or who recommended it to the countess, than to the general scarcity of books at that time: for we know that few of the greater convents, in France or in Eng-
 land,

land, were unfurnished with libraries, and the difficulty was rather to find men who could read them. However this may have been, it is certain that the Normans brought with them into England a taste for learning. The nobles, indeed, were, for the most part, illiterate; but they valued knowledge in the clergy; and as King Henry the First had himself attained to a good proficiency in it, his example induced some of the lords of his court to cause their children to be instructed in all the learning of those times. William of Malmſbury tells us, that, in an interview between Henry and Pope Calixtus the Second, the young sons of the earl of Meulant were brought forth by the king to dispute in logick with the cardinals, which they did with so much vivacity, and subtilty of reasoning, that it raised a great admiration in their antagonists, and obliged them to acknowledge, that learning flourished more in these western parts of the world, than they, in Italy, had heard or imagined. In the eighteenth year of that reign died Florence of Worcester, who compiled in Latin a Chronological History of the World, and brought it down, with a particular and no contemptible account of the affairs of this island, to the year of our Lord eleven hundred and seventeen. A contemporary history of the chief events relating to the church of England, in the reigns of William the First and his two successors, till the year eleven hundred and twenty two, was not inelegantly written in the same language by Eadmer, a monk of Canterbury. But the civil commotions in Stephen's reign were unfavourable to letters, and stopped the progress which probably they would have made under the patronage of King Henry's son, the earl of Gloucester, if this nobleman, who inherited all his father's good qualities without his faults, had been more at leisure to cultivate the arts of peace. Nevertheless, even that unhappy and turbulent

time

V. L. v. de
H. I. f. 90.
lect. 20. B.

time did not prevent him from encouraging the best genius for history that England had yet produced, by the favour he shewed to William of Malmſbury, whose merit I have already had occasion to speak of, in the former parts of this work. Another ornament of the reign of Stephen was Athelred abbot of Rivaux, who is equal, if not superior, to William of Malmſbury in the elegance of his style, but falls short of him in judgment and weight of sense. Simeon of Durham and Henry of Huntingdon, no mean historians, wrote also in those times. Roger de Hoveden, who was a chaplain to King Henry the Second, has left us two books of annals, carried on from the year seven hundred and thirty two to the year twelve hundred and one, the fourth of King John; in the first of which he has borrowed much from the two writers above-mentioned, and in the second from Benedict abbot of Peterborough, who wrote a history of the reigns of Henry the Second and his son Richard, beginning in the year eleven hundred and seventy, and ending in eleven hundred and ninety two. But, though much was stolen by this author, he added enough of his own, to give him a considerable rank, in the opinion of Sir H. Saville and Mr. Selden, among the many historians who flourished in the eleventh and twelfth centuries. William of Newbury, one of these, deserves to be mentioned with particular praise, for having had the courage, though a monk, to express an approbation of King Henry the Second's design of reforming his clergy, by bringing them under the coercion of the secular power; and to censure Becker, after Rome had declared him a saint, *for want of moderation and discretion in many parts of his conduct.* Another instance of the good judgment, and honest regard to truth, which appears in this author, is the having treated the fables of Geoffry of Monmouth

mouth with the contempt they deserve, although they were then so much in vogue, that to oppose the delusion was little less dangerous, than to call in question any error of popular superstition established or authorised by the church. This sincerity has drawn upon him, in much later and less ignorant times than his own, the displeasure of Humphrey Lluyd, and some other Welch writers: so hard is it to eradicate, from the minds of an ancient people, the fond belief of any fiction, in which they imagine that the glory of their nation is concerned!

Canutus, a monk of Canterbury, is said to have made an abridgment of Pliny's Natural History, and to have dedicated his work to King Henry the Second. Of Giraldus Cambrensis some mention has been made in former parts of this book; and I shall have occasion to say more in giving an account of the affairs of Ireland, which he has recorded. It will be sufficient to observe in this place, that, if too much love of *the marvellous*, and a rancorous hatred of King Henry the Second, which he contracted before the end of that prince's life, had not corrupted his veracity and dishonoured his judgment, he would have stood high in the catalogue of English historians who flourished during that reign. Several others might be named who excelled in wit or learning about the same period; but of all these the most eminent were Peter of Blois and John of Salisbury. Peter of Blois had been made præceptor to William the Second, King of Sicily, in the year eleven hundred and sixty eight, through the recommendation of Stephen archbishop of Palermo, and chancellor of that kingdom: but, the following year, upon the disgrace and banishment of his patron, he retired into France; from whence he was presently invited into England by Henry the Second, who afterwards employed him,

See Aubrey's Memoires of the county of Wilts, p. 221. 223. et Balæus Cent. 3. n. 4.

V. Præfation. ad opera Petri Blesensis.

V. Petri. Bles. epit. 127. 149.

as

Epist. 14.

as his private secretary, in many important affairs. From one of his letters it appears, that he had undertaken to write a history of the acts of that prince, and had almost compleated it before the end of his reign. Whether it ever was published is uncertain; for no other trace of it has come down to our times; which may be justly lamented, as, from the confidence Henry had in him, he must have been better informed, than any other historian in those days, both of facts and counsels; nor was any more capable of conveying them to posterity with the spirit and energy, which all his works are very full of, besides a great erudition, and an admirable fervour of virtue and piety. There is likewise in them a noble freedom, becoming a Christian philosopher, in reprehending the faults of persons in high stations, and rigorously censuring the disorders and corruptions of the clergy: but, unhappily, he did not reckon a desire of independence on the civil authority, and an absolute subjection to the pope, among those corruptions. On the contrary, he esteemed them essential parts of their duty. The same notions also prevailed in his friend, John of Salisbury, who appears to have been little inferior to him in learning, and superior in the graces and elegance of his style; though neither was he quite exempt from the barbarisms of the age. Some of his letters are animated with a spirit of liberty, which would have done honour to a Greek or Roman republican: but with regard to the church he extended his ideas of liberty to an exemption from all obedience to the secular power. This rendered him so zealous in Becket's cause, that he attended him in his exile; and it will be seen in the following book of this history, that he was the most active and the most trusted of his agents in France. Nor did this attachment cease even after the death of that prelate; for he became one of the many who wrote accounts of his life;
with

with much more regard to his honour than to truth or sincerity. Indeed what he has left on that subject is unworthy of his genius and character : and the offence his whole conduct had justly given to the king, during the course of the difference between that prince and Becket, excluded him from those favours, which his merit would have otherwise entitled him to, in a court where none was neglected, and where a particular regard was shewn to parts and learning. It is observable, that his writings, as well as those of Peter of Blois, are full of citations from the Latin classics, a taste for which was then rising in France and England, and would, probably, have gone far towards refining the age, if the minds of men had not been turned from cultivating those studies to the subtilties of school divinity, which Rome encouraged as more profitable for the maintenance of her doctrines. The first teachers of this new art were two archbishops of Canterbury, Lanfranc, and Anselm ; to whom succeeded Peter Abailard, the brightest wit of those times : but the most illustrious master of it was Peter Lombard, made bishop of Paris in the year eleven hundred and fifty nine. It was a great misfortune to religion, and to learning in general, that men of such acute understandings as Abailard and Lombard, who might have done much to reform the errors of the church, and to restore science in Europe, should have depraved both by applying their admirable parts to weave these cobwebs of sophistry, and to confound the clear simplicity of evangelical truths by a false philosophy and a captious logick. I cannot mention Abailard, without taking notice, that if his fair disciple Heloisa, instead of being compelled to read the fathers, or the legends of saints, in a nunnery, had been suffered to improve her genius by a continued application to polite literature, one
may

may venture to say, from what appears in her letters, that she would have excelled in it more than any man of that age.

See Camden's Britannia, OXFORD-SHIRE.

Of the state of learning at Oxford in the reign of which I am treating I find little mention. But Ingulphus says, that he learned Aristotle in the schools of that city; and another writer informs us, that, under the auspices of King Henry the First, the divinity lecture, which had been discontinued a long time in Oxford, began again to flourish. The civil war in the reign of Stephen must have disturbed and interrupted the studies there; but probably they revived again under Henry the Second: for we find that in King John's time the number of students was three thousand. And Matthew Paris calls the university of Oxford, *the second school of the church, nay, rather a groundwork of the church, next after Paris.*

See Camden's Britannia, CAMBRIDGE-SHIRE.

Of the schools at Cambridge, from the reign of Henry the First till that of Henry the Second, inclusively, Peter of Blois, in his continuation of Ingulphus, has given an account, which is thus translated in the last edition of Camden's Britannia:

“ Abbot Joffred sent over to his manor of Cotenham, nigh Cambridge, Gislebert, his fellow-monk and divinity-professor, with three other monks, who followed him into England; and being well furnished with philosophical learning, and other ancient sciences, they daily repaired to Cambridge: where they hired a publick barn, made open profession of the sciences, and in a little time drew a great number of scholars together. In less than two years their number encreased so much, out of all that country as well as the town, that there was not a house, barn, or church big enough to hold them all. Upon which they dispersed themselves into several parts of the town, imitating the university of Orleans.

“ Orleans. Betimes in the morning Frier Odo, an
 “ excellent grammarian and satyric poet, read
 “ grammar to the boys and younger sort, who
 “ were assigned him; according to the doctrine of
 “ Priscian and Remigius upon him. At one a
 “ clock Terricus, a subtil sophist, read Aristotle’s
 “ logic to the elder sort, according to Porphyry’s
 “ and Averroe’s introductions and comments. At
 “ three of the clock Frier William read lectures in
 “ Tully’s rhetoric, and Quintilian’s Institutions;
 “ and Gislebert, the principal master, preached
 “ to the people upon all sundays and holidays.
 “ From this small foundation we see large flowing
 “ streams, making glad the city of God, and en-
 “ riching the whole kingdom with many masters
 “ and teachers, who came out of Cambridge, as
 “ from the holy paradise, &c.”

Whether this was the first beginning, or only a revival of learning in this town, it will not be necessary to investigate here. But Mr. Camden takes notice that the name of *university* was not used till about the time of Henry the Third, and then not for the place, but for the body and society of students.

See Cam-
 den’s Bri-
 tannia, Ox-
 FORD-
 SHIRE.

In a letter to Becket from John of Salisbury this description is given of the state of learning at Paris:
 “ *When I beheld (says he) the reverence paid to the*
 “ *clergy, the majesty and glory of the whole church,*
 “ *and the various occupations of those who applied*
 “ *themselves to philosophy in that city, it raised my ad-*
 “ *miration, as if I had seen the ladder of Jacob, the*
 “ *top of which reached to heaven, and the steps*
 “ *were covered with angels ascending and descending.*”

Epist. T.
 Becket. e
 Cod. Vatic.
 l. i. epist.
 24.

On this passage I would observe, that the learning of the clergy in those days was a mighty assistance to their power, and to what this writer calls *the majesty and glory of the church*. For, as it was almost confined to them, princes were under a necessity to

employ them in much of their business; and the superiority it gave them over the ignorant laity, though great in reality, was greater still in opinion. The degree of it, which Henry the Second had attained to, helped to shew him the enormity of the encroachments they had made on the civil authority, and strengthened his mind to resist them. It was likewise of no little advantage to him, that some of his nobles had a sufficient tincture of knowledge, to be able to serve him in the highest offices of law and justice. Upon the whole, it may be said, that a beam of light in the twelfth century, began to break through the clouds of Gothic ignorance and barbarism, but was soon afterwards obscured by a thicker darkness.

The great increase of religious houses must be reckoned among the evils of this age. The author of the *Notitia Monastica* computes the number of such houses, built in England during the reigns of Henry the First, Stephen, and Henry the Second, at no less than three hundred. And Mr. Inett asserts, that more monasteries and other religious societies were founded in that kingdom, during the single reign of Henry the First, than in five hundred years before. But he rightly observes, that this was not peculiar to this nation. The high opinion of the merit of such foundations infused into the minds of the laity by the divines of those days; the hopes of compounding in this manner with the Deity for the greatest offences; but more especially the liberty granted by the pope of commuting for vows made to go to the Holy wars by benefactions of this kind, filled all Europe with convents. In the year eleven hundred and fifty-two, the Cistercian order, which had been founded in one thousand and ninety-eight, had no fewer than five hundred. Among other causes of the increase of monasteries in this kingdom

V. Præfat.
ad Not. Mo-
nast.

History of
the English
church, p.
174. c. 9.

See Dug-
dale's Baro-
nage, part I.
& Monasti-
con.

kingdom may be reckoned the civil war, with which it was afflicted during the reign of King Stephen. For many of the nobility engaged in those troubles endeavoured to atone for the pillage of the people, and other crimes they had committed, by raising or endowing religious houses; and others desired to secure for themselves and their children a quiet asylum in these places. The pernicious consequences of such numbers of men and women being confined to a life of celibacy were grievously felt in the reign of Henry the Second, by continuing and increasing the depopulation of the country, which the commotions in that of his predecessors had occasioned. Nor was it a small inconvenience to the government of this monarch, in his disputes with the pope, that he had so many persons in his realm, who, by their separation from society and the nature of their institutions, were more devoted to the see of Rome than the secular clergy: which difference shewed itself, upon several occasions, in the conduct of both. And the practice of exempting monks from the proper authority of the diocesan bishops increased this mischief. Such exemptions took their rise from what was done by William the Conqueror in favour of Battle abbey; which made others, and more especially those of greater antiquity, endeavour likewise to free themselves from the episcopal jurisdiction, by pretended ancient charters, the forgery of which was not discovered, or not regarded, by our kings, who thought that they advanced the royal prerogative by supporting these claims, and making other grants of a like nature. In the year eleven hundred and fifty-four, the abbot of St. Albans obtained a bull from Pope Adrian, to exempt the abbey and their dependants, not only from the jurisdiction of the bishop of Lincoln, their diocesan, but from all episcopal authority; and to subject them only to that of the

apostolical see; an innovation in the constitution and discipline of the church till then unknown in England, and which in France had been justly condemned by Bernard, who declared in one of his writings, “ that the uniting of religious houses “ to the Holy see in this manner was as monstrous “ and unnatural a deformity in the church, as it “ would be in the natural body to unite the finger “ to the head!”

Besides the danger to the state from the independence of these communities on all power but the papal, which was thus procured and established during the times I write of, the great proportion of land, over and above all the former possessions of the church, now thrown into *mortmain*, and the quantity of silver taken out of circulation, by the ornaments with which so many convents were decorated, must have been very hurtful to the trade and revenues of the kingdom

V. MSS.

Cotton. Julius, B. xiii.

There is in the Cotton library a manuscript treatise of Giraldus Cambrensis, which affirms that William Rufus had conceived a design of taking from all the monasteries, or religious houses in England, founded and endowed by the English, all their lands and possessions, or the greater part thereof, and converting them into knights-fees; saying, that near one half of the kingdom had been bestowed on the church, from all which little or nothing could be drawn by the government, in any exigence whatsoever, for the defence of the state. If this were true, it would account, more than any other reason, for the odious colours in which his character has been painted by the monks: but nothing is said of it by any contemporary writer; and even in the time of Richard the Second, after vast additions had been made to the wealth of the church, and particularly by the foundation of so many more religious houses, all the possessions of the regular and secular clergy were not estimated at more

more than a third of the kingdom, as appears by a protestation of the house of commons in that reign. Besides it was false, that in the time of William Rufus little or nothing could be drawn from the lands of the church to the defence of the kingdom: for all the bishopricks and abbies of royal foundation being then converted into baronies, they contributed to it equally with the other baronial possessions. Nevertheless it is possible that this story may have had some grounds of truth: for William Rufus might naturally entertain a desire, if not a settled purpose, of taking away some of the lands of such abbies and convents, as were not charged by his father with any military service, and turning them into knights-fees. However this may have been, it is certain that the opulence of the monks, as well as the number of them, in the times of Henry the Second, was enormous. And the luxury, in which men professing poverty lived, was scandalous and offensive to the common sense of mankind. We have in one of the treatises of Giraldus Cambrensis a description of the table, which was kept by the monks of Canterbury, and which consisted regularly of sixteen covers, or more, of the most costly dainties. These, he tells us, were dressed with the most exquisite cookery, to provoke the appetite and please the taste. He also speaks of an excessive abundance of wine, particularly claret; of mulberry wine, of mead, and of other strong liquors, the variety of which was so great in these repasts, that no place could be found for ale; though he informs us, that the best was made in England, and particularly in Kent.

See the Parl.
History of
England,
vol. i. p.
383.

V.G. Camb.
De rebus à
se genis,
part. II. c.
5. in Angliâ
Sacra, vol.
ii. p. 480.

There is likewise an account in the same author,
“ that the prior and monks of St. Swithin at
“ Winchester threw themselves prostrate at the
“ feet of King Henry the Second, and with many
“ tears complained to him, that the bishop of that

“ diocese, to whom they were subject as their abbot, had withdrawn from them three of the usual number of their dishes. Henry enquired of them, how many there still remained: and being informed they had ten, he said, *that he himself was contented with three*, and imprecated a curse on the bishop, if he did not reduce them to that number.” I repeat this story, rather to shew the temperance of the king than the excess of the monks.

In what manner the laity feasted in those days John of Salisbury has given us a short description. He says, the houses, on such occasions, were strewed with flowers; and the jovial company drunk wine out of gilded horns, and sung songs when they became inebriated with their liquor. This is a better account of the festivity of our ancestors, than that given by Froissard, who says that the English, in the time of Edward the Third, *s’enyvroient moult tristement, à la façon de leur pays; got drunk in great sadness, after the manner of their country*. In the time of Henry the Second, and for ages afterwards, the great halls of the castles, or principal manor houses, in which the nobility and gentry resided, were crowded with vast numbers of their vassals and tenants, who were daily fed at their cost; and, in order to supply the constant plenty required for such profuse hospitality, they kept in their hands large demesnes, which were cultivated by their villeins; and received their rents, not in money, but in divers kinds of provisions, from many of those farmers to whom they had granted freehold lands, adjacent to their seats. This way of living, still more than the feudal obligations, attached the vassals to their lords, and enabled these to become formidable to the power of the crown. When the weather permitted it, the chace drew together all the neighbouring gentry; nor was it difficult, in such meetings,

ings, to form or put into action those factious confederacies, to which the genius of the people was strongly inclined. It must be observed, that to be skilful in the arts of hunting and hawking, was anciently esteemed one of the requisite qualifications for chivalry, and preferred to all other knowledge. The Lombard laws and the capitularies forbade a gentleman to sell his sword, or his hawk, even for the payment of his ransom. This sort of chase, which was a distinguishing privilege of the nobles, delighted them the more, as the ladies took part in it, and appear to have made it their principal amusement. The high and romantic gallantry, which prevailed in those times, must have given the fair sex such ideas of themselves, as were much above the character of mere good housewives, though most of their time was employed in household cares. And, from what we read of some ladies in the twelfth and thirteenth centuries, there is reason to believe, that their minds were elevated by those ideas to a more than ordinary pitch of greatness. It is likewise probable, that the imitation of royal state, which the great barons kept up in the establishment of their households, and the whole manner of living at their habitations in the country, not only drew to them the reverence of the people, but so raised their thoughts of their own dignity, that it was difficult for them, in their attendance on the king, to consider themselves as his subjects, and much more to descend to any servile obedience.

Some of the nobles in the age of which I write, and especially the bishops, were magnificent builders. Giraldus Cambrensis informs us, that Henry de Blois, bishop of Winchester and brother to king Stephen, had, during the anarchy of those times, presumed to pull down the royal palace of Winchester, which was not inferior to that of London,

V.G. Camb.
De vitis Sex
Episcop.
coetaneo-
rum in An-
glia Sacra,
vol. ii. p.
421.

either in the extent or quality of the buildings, because it stood too near his church; and, that nothing might be wanting to compleat this offence against the majesty of the crown, even ventured to carry off and employ the materials in erecting a fine palace, for himself and his successors, in another part of that city. The same author speaks of other works of this prelate, for the embellishment of his seats, which appeared to exceed the power of kings themselves; particularly vast ponds, supplied by aqueducts, carried on with much difficulty and expence, or by waters brought through various windings, and from a great distance, under ground. He had likewise *menageries* of birds and beasts from all parts of the world; a kind of magnificence which he seems to have taken from his uncle, King Henry the First, who (as William of Malmfbury tells us) had an inclosure in his palace of Woodstock, where he kept a variety of rare animals, presented to him by foreign kings, at his own earnest request; among which lions, leopards, lynxes, camels, and a porcupine, are mentioned by that historian. He also describes two very spacious and beautiful castles, erected, at an immense charge, in the reign of King Stephen, by Roger bishop of Salisbury; the stones of which were so closely and so artfully joined together, that they seemed to be all one solid rock.

By many evidences it appears, that a luxury in apparel was very general among the nobles and gentry of that age. Even the nuns were not free from it, as may be inferred from a canon of the legantine synod, held at Westminster, in the year eleven hundred and thirty eight, which, under pain of an anathema, forbids them to use the parti-coloured sables, called in French *petit gris*, martin, ermine, and beaver skins, or golden rings; or to curl or curiously set their hair. William of Poictou takes notice, that the English women in his

L. v. de H.
l. f. 91.

f. 91:

See Spelman's Councils, vol. ii.
p. 41.

Vid. Picav.
gest. Gul.
Ducis, p.
211.

his time, viz. in the reign of William the Conqueror, excelled in embroidery; and tells us, that the garments of those English noblemen whom that prince carried over with him into Normandy, in the first year of his reign, were richly enwoven and incrusted with gold. He says also, that among the men of that nation there were good artificers of all sorts; that Germans, or Dutchmen, very skilful in all the finer manufactures, were used to settle among them; and that foreign manufactures were imported from the most distant countries, by merchants trading to England. As one can hardly imagine that this writer, who came over with the duke of Normandy, was partial to the English, I think this account of their opulence, commerce and industry, which he gives us as an eye-witness, is of no small weight. Nevertheless, as we are told by William of Malmesbury, in a passage I have cited before, that the garments of the English, before their intermixture with the Normans, were generally plain, I presume that the embroidery, and other fine manufactures, spoken of by William of Poictou, were only worn by the nobility of the first rank. But it appears, that, in the times of Henry the Second, the whole gentry of England, having adopted the fashions of the Normans, were as magnificent in their dress as their fortunes could bear. And we are informed by Ordericus Vitalis, that, during the reign of William Rufus, the mode of apparel was changed, not only in England, but all the western parts of Europe; so that, instead of close coats, which had been used till that time, as most commodious for exercise and a military life, trailing garments with long sleeves, after the manner of the Asiatics, were universally worn. The men also were very nice in curling and dividing their hair, which on the fore part of their heads they suffered to grow very long, but cut short behind. The extraordinary

L. viii. p.
682. sub
ann. 1089.

V. Ord. Vit.
at *suprà*.

nary fervour of zeal expressed by Anselm, and other churchmen of that age, against this fashion, seems ridiculous: but we find from the words of the above-mentioned historians, that they combined it with the idea of an affected effeminacy, and supposed it to indicate a disposition to an unnatural vice, which was very prevalent in those times. The good prelate, whose piety was so much scandalized at it, would have done well to consider, how much more the celibacy to which he forced the clergy, and the number of monasteries in this kingdom, might contribute to increase that abominable wickedness, than any mode of dress. And indeed we are told that his preaching prevailed with the English to cut their hair, but could not reform their morals.

I find no grounds upon which I can form any estimate of the number of people in England, during the reign of King Henry the Second. One cannot judge of it by the number of inhabitants in the capital; because, from the manners and policy of the times, the people lived more dispersed than they usually do in these times. The king's court was not fixed, and every district had a lesser court of its own, in the castle of an earl or great baron; which rendered the country more populous, in proportion to the metropolis or other principal cities, than it is at present. In general it may be said, that the *police* then established, which forced the common people into an orderly way of living, and the hardy and healthy education given to persons of both sexes, must have been greatly conducive to propagation.

V. Gloss.
DOMES-
DAY.

Sir Henry Spelman observes, from the lesser Domesday-book, that in all the county of Norfolk, which is above fifty miles in length, and about thirty in breadth, there were, at the time when that register was compiled, but sixty six lords
of

of manors, who had the property of the soil. Under these all the rest of the free inhabitants of that province held by subinfeudation; nor was the proportion much greater in other parts of the kingdom. But, during the reigns of Henry the First and his two next successors, property became more divided, and the number of landholders in chief was considerably augmented: yet it appears from Dugdale's Baronage, that, till long after the death of Henry the Second, the earls and barons were possessed of vast estates; and the far greater part of all the lands of England was held by them in demesne, or under them by mesne tenants. Of the exact number of the peerage in Henry the Second's reign I find no account. But Mr. Selden has shewn from the close rolls of the forty seventh year of Henry the Third, that a hundred and thirty temporal, with fifty spiritual barons, were summoned by that king to perform the military service due by their tenures. And it appears by a record, that, in the thirty fifth year of Edward the First, eighty six temporal barons, twenty bishops, and forty eight abbots, were summoned to a parliament convened at Carlisle.

See Titles
of honour,
part. II. c. 5.

See the Par-
liament.
History.
vol. i. p.
151.

I shall conclude this account of the civil and political state of the kingdom, during the times of which I write, with two remarks; first, that the privileges granted, or confirmed to the nation, within that period, though often violated by our kings, were perpetually reclaimed, and restored, from time to time, by new confirmations, the last of which was *the bill of rights*, that great compendium of our ancient, constitutional liberties, the glory of this, and the envy of every other state: Secondly, that for some ages after the settlement of our government by King Henry the First, the high spirit of the nobles, and the ferocity of the people, were stronger fences to both against oppression and tyranny than laws and charters; but,
at

at the same time, had such a tendency to disturb the tranquillity and order of society, that these could hardly be preserved, even in the reigns of good princes, without some such exertions of the royal authority, as approached too near to an illegal and arbitrary power. But in later times, as the temper of the nation grew milder, the same rigour in government was no longer requisite, or fit to be used; and liberty ceasing to border upon anarchy, the regal part of our constitution could, with safety to the publick, be set at still a further distance from absolute monarchy. In the present state of our whole political system we have nothing to wish, but that the spirit of liberty may be moderated with such discretion, and supported with such firmness, as that we may never again find it necessary to seek a remedy against anarchy in an extension of prerogative; nor yet be drawn by the corruption and dissoluteness of manners, which too naturally attend a high degree of politeness, to relax the ancient British vigour and dignity of mind, which hitherto neither violence has been able to subdue, nor prosperity to enervate.

END of the SECOND BOOK.

T H E
H I S T O R Y
O F T H E
L I F E
O F
King Henry the II^d.

B O O K III.

TH E R E is a passage well deserving the attention of those who read this book in a late famous remonstrance of the parliament of Paris; where, complaining of the abuses of the ecclesiastical power in the kingdom of France, they say to their king, “ that the clergy of that realm are “ now busily using their utmost endeavours to support and confirm a system of independence, the “ foundations of which have been laid near a “ thousand years ago; the principles of which “ that

V. Appendix.

“ have been connected, developed, and followed, from age to age, in the conduct of several ministers of the church ; and the inevitable effects of which, if not stopped by the vigilance and firmness of the magistrates, would be the most enormous abuse of the royal authority, as well as of religion ; the destruction of good order and publick tranquillity, of all the regular jurisdictions, of the laws, of the king’s sovereignty itself ; and, by consequence, of the whole state.”

These are the words of that very respectable body : and whoever reflects upon them will have good reason to think, that, where the popish religion remains established, the principles of Becket will also remain ; and, notwithstanding the apparent absurdity of them, will perpetually disturb, and sometimes overpower, the civil authority, even in countries the most enlightened by learning and philosophy, or affecting the greatest latitude and freedom of thought. How great is therefore the happiness this nation enjoys in the reformation of religion, by which those principles, so repugnant to true Christianity, have been rooted out from our church ; and which alone can secure us from a return of those evils, the malignity whereof will be shewn, in its utmost extent, by examples more convincing than any arguments on the subject, in that very instructive part of the history of this kingdom, which I am about to relate ?

A. D. 1163.

The reader has seen what large advances the clergy of England, abetted and supported by the power of the papacy then almost at its height, had made, in Stephen’s reign, towards a total independence upon all civil government. The pernicious consequences of this were felt by his successor ; and though the insolence of the hierarchy was in some measure awed under the reign of this prince, yet he had been hitherto obliged to tolerate many

many abuses, which the name of religion had sanctified, and which could not be reformed without the aid and concurrence of more favourable circumstances, than had offered themselves to him before this time. The worst of these was the exemption from all secular justice, which was claimed as a fundamental and inviolable part of the liberty of the church. “ The bishops (says one of the
 “ best contemporary historians) being much more
 “ intent on maintaining the privileges or dignities
 “ of their clergy than correcting their vices, imagine that they do their duty to God and the
 “ church, by protecting those criminals against
 “ civil discipline, whom they refuse or neglect to restrain, as the duty of their office requires, by a
 “ proper severity of canonical censures.” He adds, that, for this reason, the clergy having a licence
 “ to do what they would with certain impunity,
 “ were in no awe of God, or man.” It is remarkable that this testimony is given by a churchman. And, indeed, the whole publick was now become as sensible as Henry himself, how monstrous a thing it was, that one part of his subjects should thus be suffered to withdraw themselves from his justice, and, where-ever they were concerned, to put the others also out of his royal protection. The necessity of correcting the notorious iniquities and relaxation of discipline in the spiritual courts, as well as of stopping their encroachments in point of jurisdiction, was, likewise, generally acknowledged. Another evil, which began to be grievously felt, and which many even of the clergy desired that the crown should exert itself to restrain, was the frequent practice of appeals to Rome in ecclesiastical causes. This was attended with great vexation and expence to the suitors: the exportation of its treasure was a loss to the nation; but it suffered much more by the admission of a foreign jurisdiction over the subjects of
 England,

Gul. Neubrigenf. p.
394

England, which violated the dignity and freedom of the state. The voice of the people calling loudly for a redress of these grievances, the royal authority being settled upon the firmest foundations, the Roman pontificate being weakened by a schism, and the pope whom Henry had acknowledged owing more to his friendship than to that of any other monarch, the time appeared very favourable for this great undertaking, which, if the king had succeeded in it, would have completed his glory, as the *deliverer* and *restorer* of England. But he met with an obstacle which broke all his measures, and put him under many difficulties, that he had not foreseen. The confident and the partner of his most secret counsels, the man whom he loved and trusted above all others, that very Becket whom he had made archbishop of Canterbury, chiefly with a view of being assisted by him in this design, set himself to oppose it with invincible obstinacy, and seemed all at once to be possessed by the spirit of Gregory the Seventh.

A. D. 1163.

V. Stephani-
dem in vitâ
S. Thomæ.
Quadrilog.
et Vit.
Thom.
præfixam
epistolâ.
Cerv. Chron.

No change was ever so sudden and violent, as that which appeared in the new prelate immediately upon his election. He affected to be now entirely given up to his spiritual duties : to the reading of the scriptures, to prayers, and to preaching. Whenever he received the communion in publick he shed abundance of tears ; he sighed ; he groaned ; *pouring forth his whole soul* (says a writer of his life) *in devotion and contrition, as if he had touched the wounds of Christ.* There was at all times in his conversation, and even in his aspect, a grave and religious severity. Under his canonical habit he wore the frock of a monk, and under that a rugged haircloth, next to his skin. Archbishop Theobald had doubled the sum which his predecessor appropriated to charitable uses ; and Becket doubled that which had been given by him, bestowing a full tenth of the revenues of his see in constant

stant and stated alms. But he was not satisfied with relieving the wants of the poor : he waited on them at table, he washed their feet with his own hands. We are told, indeed, that these acts of pious humility were done by him in private : but as he usually repeated them every night, they could not long remain unknown ; and the fame of them was encreased by the affectation of secrecy. The hospitality of the favourite was kept up by the primate ; but the mode of it was changed. He dined in publick every day with profusion and splendor ; but any nobles or gentlemen, who came to dine with him, were placed at another table ; none being admitted to eat at his, except the monks of the convent of Canterbury, and a select set of clergymen, both English and foreigners, who were eminent for their learning, and whom he had particularly attached to his person. Instead of the usual entertainment of musick, some Latin book was read to him during the whole time of dinner : after which he retired to a more private apartment with those learned friends, whose society seems to have been his chief delight. When he was visited by any of the regular clergy, he received them with such reverence, that (to use the words of John of Salisbury) “ *he seemed to worship the divine presence or angels in their persons.*” But against any who were accounted schismatics or hereticks his zeal was flaming : he refused all communication with them ; and professed, that he held them as his worst enemies. Nor did he spare to blame the faults of men in power very freely, *knowing* (says the historian I have cited above) *that where the spirit of God is, there consequently is liberty.* Thus he quickly obtained a reputation of sanctity, especially with the monks, to whom he chiefly made court, and who talked of his conversion, as a most evident miracle of divine Grace, poured out upon him at his consecration. But nothing so much ex-

A. D. 1163.

V. Quadri-
log I. i. c.
15. 17. & l.
iv. c. 12.
Vit. S.
Thomæ
præfix. epist.
p. 20. 24.
156, 157.

V. Johan.
in Quadrilo-
go. l. i. c. 15.
Vit. S.
Thom. præ-
fix. epist. p.
23.

A. D. 1163. cited the wonder of mankind, as his sending the great seal to Henry in Normandy with a short message, "that he desired him to provide himself with another chancellor; for he could hardly suffice to the duties of one office, and much less of two." V. Johan. in Quadrilogo, l. i. c. 22. Vit. S. "The king, at this proceeding, was no less alarmed than astonished. All he had known of the temper and inclinations of Becket made it very difficult to impute his resigning of an office, usually held by a churchman, to a scruple of conscience, or dislike of temporal power. He therefore looked upon it as a certain indication of a higher and more dangerous kind of ambition; believing that the archbishop would have continued his minister, if he had not aspired to become his rival, and to exalt the mitre above the crown. These uneasy apprehensions were accompanied with the shame of having been duped in his choice; one of the worst mortifications that could happen to a prince renowned for his wisdom.

When he came over to England full of anger and vexation on this account, Becket met him at Southampton, with the young Henry, his pupil; but was so coolly received, that the quick eyes of the court immediately saw, what many there were glad to see, a great decline of his favour. Another mark of it was, that the king insisted with him on his giving up the archdeaconry; which he was so unwilling to part with, that, not without difficulty and urgent repeated expostulations, was Henry able to wrest it out of his hands. Certainly, there could be nothing more unfit and indecent, than for the same person to be, at the same time, archdeacon and archbishop of Canterbury. It is very surprising that the impropriety of it should not have been perceived by Becket himself!

The affairs of Wales having engaged all the attention of the king for some time after his landing, he had no further disputes or explanations with the primate on church affairs; and Pope Alexander, holding

holding a council at Tours, in the summer of this year, eleven hundred and sixty three, obtained his permission, that it should be attended by the two metropolitans, and all the bishops of England, except three who were excused on account of sickness. The example of Louis, and the friendship which had hitherto continued so warm between Henry and Alexander, might render it very difficult, at this juncture of time, for Henry to refuse the pope his consent to a request of this nature: but he should have given his bishops the same orders at parting, as those who were permitted by his royal grandfather to attend the council of Rheims received from that prince, namely, *that they should go and salute the pope in his name, but take care not to bring with them, at their return into England, any of that pontiff's unnecessary inventions.* For, there could be nothing more contrary to the reformation now intended, than one of the principal purposes of holding this council, which we may learn, with great certainty, from the sermon preached at the opening of it, wherein it was publickly and expressly declared, *that the business of their meeting was to take care of the liberties of the clergy*, as well as to restore the unity of the church; and both these objects were recommended with equal warmth. Nor was the preacher's eloquence ineffectual. The assembly acted agreeably to his zealous exhortations. Even some of the canons made by them had a manifest tendency to establish that independence of the church on the state, which they had now so much at heart; and probably more was done, in their secret consultations, to facilitate and advance the success of their plan.

Extraordinary honours were paid to the archbishop of Canterbury on his arrival at Tours. Not only the citizens, and all the ecclesiasticks of different nations that attended the council, but, by the command of the pope, all the cardinals there,

A. D. 1163.
V. Quadril.
et Vit. S.
Thom. ut
suprà.
Gervase.
Neubrigenf.
Dicet. sub
ann. 1163.

V. Ord.
Vital. sub
ann.
1119.

V. Baron
Annals, sub
ann. 1163.

A. D. 1163. except two, who were in office about his own person, went out to meet him. Alexander judged well, for the interests of the papacy, in paying this court to that prelate. His spiritual pride was encreased by it, and, together with that, his zeal for the hierarchy. A close connexion was also formed between Alexander and him, the consequences of which were most pernicious to Henry's designs. Nor were the other English bishops uninfected with the spirit that reigned in this meeting. So very dangerous was it, in an age when the church was so extremely corrupted, for princes to suffer *those great cabals of ecclesiasticks*, that were dignified with the name of *general councils*!

One of the means, by which Becket, in concert with Alexander, judged, that the schemes they had formed together might best be promoted, was the canonization of archbishop Anselm. The cause, which they both equally determined to maintain, was the very same which that prelate had eminently distinguished himself in supporting, and for which he had suffered banishment, with many other evils, under two kings of England. To canonize him was to sanctify that cause and those sufferings: it was crowning opposition to the laws of the English government with the glory of heaven: nor could there be found a more proper or a more powerful artifice to seduce the imagination of the ignorant vulgar, and prevail with them to second the zeal of Becket in a future contest with the crown. For this purpose the archbishop had before employed John of Salisbury to compile a book, chiefly drawn from the writings of Eadmer, a monk contemporary with Anselm, in which, with an account of the merit of that prelate to the see of Rome and the church, several miracles, said to have been done by him during his life, and after his death, were recorded. This was presented to Alexander in the council, as a sufficient foundation

dation for inserting him in the catalogue of saints, A. D. 1163.
 But that pontiff, though his own inclinations corresponded with this request, was afraid to grant it at this time, because the same honour was asked for many other persons; and therefore he waited till after the council was separated, and sent into England a bull, by which Becket was impowered to convene his suffragan bishops, together with the clergy of his province, and, in case that they should approve of it, to canonise Anselm. Nevertheless, it seems that the archbishop, upon the breaking out of the quarrel between him and the king, was afraid of irritating him more by an act of this nature, or was doubtful whether his suffragans would concur with him in it: for we do not find that he assembled any synod upon it; and the canonization of Anselm was deferred for several centuries, even till the reign of King Henry the Seventh. But other parts of the plan concerted with Alexander were prosecuted by Becket, upon his return into England, with all the violence natural to his vehement temper. A severe canon having been made in the council of Tours against any persons who usurped the goods of the church, he took occasion from thence to set up several claims, as archbishop of Canterbury, to the lands of English barons. Particularly he demanded of Roger de Clare, earl of Hertford, the castle of Tunbridge, with the honour belonging thereunto, though it had been granted in exchange for the castle of Brionne in Normandy to the great grandfather of the earl, by King William the First, and quietly enjoyed, from that time, by the grantee and his heirs, under homage to the crown; alledging, that it had formerly belonged to his see, and that no grant, nor any length of possession could be good against the claim of the church, according to the maxims of the Roman canon law. This alarmed all the nobility, who knew not how far his resump-
 B b 3 might

V. Bullam
de canoniza-
tione An-
selm. in
Angliâ sacrâ
part II. p.
177.

V. Concil.
Canon. 111.

Gerv.
Chron. sub
ann. 1163.
Vit. Thomæ
præfix.
epist. Qua-
drilogus. Di-
ceto. Gemit.
l. viii. c. 15.

A. D. 1163. might be carried. The king himself was not safe with respect to his own property : for certain castles and manors of the royal demesne were claimed by the archbishop, as alienations from the see of Canterbury, the restitution of which he was in conscience obliged to procure. It would be tedious to enumerate each particular instance, wherein, by a real or pretended zeal for the church, he disquieted his fellow-subjects, or offended his sovereign ; but it is necessary to take notice of one, which was of a nature somewhat different from the others, and very material. He collated a priest named Lawrence, to the rectory of Eynesford in Kent, against the right of patronage in the lord of the manor, William de Eynesford, who held of the archbishoprick, but was also an immediate tenant of the king. The pretence on which this was done was a general prerogative, which Becket supposed inherent in the archbishop of Canterbury, to present to all benefices in the manors of his tenants. As the claim was unprecedented, William drove out the servants who were sent by Lawrence to take possession of the church in his name. Becket did not condescend to determine the dispute by process of law, but excommunicated his adversary, and without having asked the king's consent. This was a direct attack on the royal prerogatives. For it had been an uncontroverted right of the crown ever since the establishment of the feudal constitution by William the First, that neither the tenants in chief, nor the servants of the king, could be excommunicated without his knowledge and consent, because the consequences of that sentence would deprive him of their service. But Becket, who disregarded both the authority and the reason of all such laws as tended to restrain or controul the ecclesiastical power, answered Henry, who sent him an order to take off the excommunication, that it did not belong to him to command any person to be excommunicated or absolved. Nevertheless,

Stephanid.
in vita
Thomæ.
Gervase.
act. pont.
Cantuar.
col. 1675.
L. niger
seaccarii, p.
54.

V. Eadmer.
p. 4. Diceto,
col. 536.

vertheless, when he found that the king insisted upon it, he yielded at last : but it does not appear, that he made any excuse for what he had done, or acknowledged the right of patronage in the lord of the manor, or receded in the least from the principles on which he had acted.

All these proceedings, instead of intimidating Henry, or averting him, by the prospect of a violent opposition, from his intention of reducing the clergy to obedience, determined him to it more strongly. He saw, indeed, that he must expect to find in Becket, whose assistance he had hoped for, his most intractable adversary ; but he saw likewise, that this circumstance, however unfortunate, rendered it necessary to proceed with double vigour, in order to set timely bounds to the insolence of a prelate, who, if he was suffered any longer to go on uncontrouled, would give such spirit and strength to the ecclesiastical faction, that it would not be afterwards in the power of the crown to vindicate its own dignity, and the rights of the kingdom. He thought that the first beginning of the reformation he meditated would be most properly made, by taking from the clergy that strange privilege, to which they pretended, of being exempt from all secular judicature ; because, so long as they retained it, they might safely persevere in all their other encroachments on the civil authority.

And he had now an occasion of bringing on the question, with the strongest evidences of the mischiefs that must attend the continuance of such an immunity. Becket had lately protected some clergymen, guilty of enormous and capital crimes, from being delivered up to the justice of the crown. Among others there was one accused of having debauched a gentleman's daughter, and of having, to secure his enjoyment of her, murdered the father. The king required him to be brought to judgment before a civil tribunal, that, if con-

A. D. 1163.

V. Stephan.
in vitâ
Thom.
ut supra.V. Quadri-
log.V. Stephan.
in vitâ
Thom.

A. D. 1163. victed, he might suffer a penalty adequate to his guilt, which the ecclesiastical judicatures could not inflict upon him : but this was resisted by Becket ; which raising a general indignation in the publick, Henry summoned all the bishops to attend him at Westminster, and declared to them, in a weighty and vehement speech, the reasons of their meeting. He began by complaining of the flagrant corruption of the spiritual courts, which, in many cases, extorted great sums from the innocent, and in others allowed the guilty to escape with no punishment, but pecuniary commutations, which turned to the profit of the clergy. By these methods, he said, they had levied in a year more money from the people than he did himself, but left wickedness unreformed, secure, and triumphant. He then set forth to them, in strong colours, the very great mischiefs that the whole kingdom had suffered, and the yet greater that necessarily must be expected to arise, from the impunity of the most flagitious offenders, who, under the cover of holy orders, had nothing to apprehend except spiritual censures, which wicked men little regarded. He said, it was certain, that they would only be readier to offend than before, if, after the spiritual punishment, they were not liable to corporal pains : and observed, that, on account of the abuse of their holy character, they deserved to be treated with more severity than any other delinquents. For these reasons he demanded the consent of the bishops, that ecclesiasticks convicted, or confessing themselves guilty, of any heinous crime, should first be degraded, and then immediately delivered over to the secular courts, for corporal punishment : he also desired, that one of his officers might always be present at the degradation of any such offenders, to prevent their flying from justice.

Becket was conscious that these complaints, though they seemed to be general, had a particular

V. Stephen.
ut supra.
Quadrilog.
Dicetomag.
histor. sub
ann. 1164.
Gervase, et
Neubrigen-
sis, sub ann.
1163.

lar reference to some of his late proceedings. He A. D. 1163. likewise knew that all the laity, and even many of the clergy, had been displeased at his conduct: nor could he be sure that the demands which Henry had made, on such a foundation of justice, and with so much moderation, would not be agreed to by the bishops, if they were to give him an immediate answer, while the impression of his speech was strong on their minds. He therefore laboured very earnestly to obtain his consent, that no opinion should be delivered by them upon what he had said, till the next morning. This was denied; but he was suffered to confer with them apart; and, though he found them inclined to yield to a proposition, supported, not only by reason and the law of the land, but (as most of them acknowledged) by the scripture itself, yet he so wrought upon them by arguments drawn from the canons, the authority of which had entirely taken place of the scripture, that, coming over to his opinion, they unanimously joined with him in declaring to the king, that no ecclesiastick ought ever to be judged in a secular court, or suffer death, or loss of limb, for any crime whatsoever; and that, degradation from orders being a punishment, it would be unjust to punish twice for the same crime: but that, if a clergyman, who had been degraded, should afterwards be guilty of other crimes, the royal judges, in that case, might punish him for them, according to their discretion.

Henry having reasoned with them against these notions some time, and finding them obstinate, reduced his arguments to this question, *Whether they would observe the ancient customs and laws of his realm?* To which Becket, after some consultation with his brethren, returned this answer, that he would observe those laws and customs, *as far as he could, saving the privileges of his order and the honour of God.* Every one of the prelates,

*Quadrilog.
ut supra.*

*Gervase.
Neubrigen-
sis. Stepha-
nides, ut su-
pra.*

A. D. 1163.

Gervase.
Quadrilo-
gus, ut su-
pra.V. Epist. 85.
I. i. Epist.
Thom.
Becket.V. Epist.
85, ibidem.

prelates, being asked the same question, answered in the same words. The king, extremely provoked at this evasive reserve, from which none but the bishop of Chichester could be brought to depart, said, *he perceived that a line of battle was drawn up against him*, and abruptly left the assembly. The next morning he took from Becket the government of his son, and the custody of those castles which had been committed to him when chancellor, and which he had not given up when he resigned the great seal, though much more incompatible with his spiritual functions. The loss of these did not please him; but it particularly grieved him to see the young prince, whose tender mind he desired to mould to his purposes, taken out of his hands before he had been able to make any very lasting impressions upon it. Yet this he must have expected; unless he was sanguine enough to think, that fear would now induce the king to continue to him those trusts, which an immoderate and unsuspecting affection had rendered that prince so lavish in conferring.

It appears by a letter from the bishop of Lizeux, who knew the secrets of the court, that Henry's anger against Becket was much inflamed at this time, by a report, which had been made to him, of a conversation held by that prelate with some intimate friends, in which he had spoken of him irreverently, with an air of superiority, and as one who thought he could easily controul and over-rule him in any undertaking, from the reciprocal knowledge they had of each other's abilities. Upon this the king said, that it was necessary for him to exert his whole power, since he found he must now contend for his royal dignity; and an agreement would be impossible; for neither would he derogate in any manner from *that*, nor would the archbishop desist from his attempt.

The same letter informs us, that if there were some persons, to whom the behaviour of Becket appeared to proceed from an extraordinary sancti-

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ty and zeal for religion, there were others who saw it in very different lights. They said, " His ambition was much better gratified, by holding that power independently, and through the reverence due to an ecclesiastical dignity, which before he had only enjoyed under the favour and at the will of another. That, being so raised, he was no longer content to sit at the foot, or even by the side, of the throne ; but threatened the crown itself ; intending to bring it into such a dependence on his authority, that the ability to bestow and to support it should principally belong to the church. That he set out with opposing the king's commands, in order that all might appear to be absolutely subdued to his government : since no hope of resisting could be left to any others, where the royal authority itself was forced to submit."

We also learn from the same evidence, that the nobility of the kingdom were strongly confederated with the king against the archbishop, and represented to him, " how much it would dishonour his character, if he, who exceeded all his predecessors in power, should reign less worthily, or act more remissly, than they had done, in defending the dignity and the rights of his crown." Henry did not want these instigations. But, though he resolved to maintain his royal prerogatives with the necessary spirit and firmness, he proceeded as one who wished to conquer rather by art than force. All methods were used by him to gain the bishops to his side, or at least to divide them, and break their association : in which he so far succeeded, that many of them were inclinable to yield to what he desired, being only restrained from it by the fear of drawing on themselves the censures of Rome, if, in a cause of such importance to the interests of that see, they should discover less alacrity than the archbishop of Canterbury. This being evident, the whole policy of the

A. D. 1163.

V. Epist. cit.
ut suprà.Gervase.
Quadrilogus,
sub ann.
1163.

A. D. 1163. the king was exerted in trying to overcome the obstinacy of Becket. He threatened; he entreated, he even prevailed upon himself to flatter the man, whom he once had loved and now hated. But that prelate had too much sense, and knew courts too well, to think that favour could be regained after a struggle for dominion with his master. He therefore continued as inflexible to the allurements of Henry, as unshaken by his menaces, which had no effect on a mind, that was naturally intrepid, and in beginning this dispute had determined to stand all the perilous consequences, with which it might be attended. In vain did the most discreet and sober of his friends put him in mind of the respect he owed to his sovereign : in vain did they set before him the ingratitude of his conduct, or the disturbance and danger which, by persevering in it, he would bring on the whole kingdom, as well as himself. All this he answered by pleading his zeal for the church, which superseded all duties, and cancelled all obligations.

Gervase. When the bishop of Chichester, among others, pressed him to alter those words, which were so disagreeable to the king, and laboured to convince him, that a regard to the peace of the church, in this conjuncture, ought to induce him to proceed with more moderation, it only drew from him a severe reprimand to that prelate, for having taken the liberty to propose other words in the assembly at Westminster. He went so far as to say, that *if an angel should come from heaven, and advise him to make the acknowledgment desired by the king, without the saving he had thrown in, he would anathematise him.* Yet he was afterwards brought to make that acknowledgment, and part with his saving clause, by the authority of the pope's almoner, who then was at London, and whose advice, it seems, he was willing to take even preferably to that of *an angel from heaven!* This man pretended he had orders
form

V. Stephan.
in vitâ Tho.
Becket.

Quadrilogus
sive historia
quadripar-
tita.

from his Holiness, to persuade him to obey the will of the king; in which, I imagine, he went beyond his commission: for, though Alexander might in general recommend to him a prudent complaisance to his sovereign, as he himself was obliged to cultivate the friendship of that prince, yet he could hardly intend to authorise, and much less to enjoin, such a concession as this, against all the interests and avowed pretensions of Rome. Probably, the almoner was gained by the king, who often negotiated more successfully with the pope's ministers, than he could with the pope, and would doubtless exert, on this occasion, his utmost liberality. It is affirmed by some of those who have written Becket's life, that the archbishop was told, before he yielded this point, that Henry had sworn to require nothing of him prejudicial to the church, desiring only that a mark of respect should be given to him in the presence of his nobility; to which effect *a mere shadow of consent would suffice*. But this seems to have been invented by the panegyrist of that prelate to justify the apparent inconsistency of his conduct: for he perfectly knew to what his consent was demanded, and the intention of the king in that demand. However this may have been, he went to Henry at Oxford, and there promised to observe the customs of the kingdom, without any exception or reserve. The king received him with an appearance of great satisfaction, but not with the confidence he had formerly shewn him. Nor yet would he content himself with this verbal promise, but soon afterwards called a parliament to meet him at Clarendon, wherein such rights of the crown and customs of the realm, particularly with regard to judicial proceedings, as had been in use under the government of King Henry the First and his royal predecessors, being recollected upon memory, and set down in writing, by the most ancient persons there

A. D. 1163.

Quadrilocus, c. 26.

Quadrilocus.
Gervase.

A. D. 1164.

See the preamble to the constitutions in the Appendix. See also Ep. 126. e Cod. Cotton. in the Appendix.

A. D. 1164. there, it was likewise desired that the whole assembly should take an oath to observe them. This met with no difficulty on the part of the laity; but Becket objected to it, as very different from the general promise he had given. The king and the temporal lords expressed great anger at this unexpected opposition; which indeed might well offend them; since it amounted to a confession, that he had meant to impose on his sovereign, and fraudulently evade the obedience he had promised. But the bishops concurred with him, not daring to abandon their primate, in a contest against laws, which they were assured the see of Rome would join with him in condemning, as repugnant to the rights and liberty of the church, and *to the fidelity they owed to their lord, the pope* (as the bishop of London expressed himself in a letter he afterwards wrote upon this subject to Becket.) For three days successively the temporal barons and they debated this point; but about the end of the third day, while they were sitting and conferring privately in a separate room, the whole body of the nobility, incensed at the obstinacy, with which they continued to oppose the king's demand, came suddenly to them, in a tumultuous and violent manner, and extending their arms in a threatening attitude, accosted them with these words, "Take notice, you who contemn the laws of the realm, who refuse to obey the orders of your sovereign: these hands, these arms, which you behold, are not ours: they are the king's; our whole bodies are his, and at this instant most ready to be employed in his service, or to revenge any injury done him, in such manner, as shall be most conformable to his will; and at his least nod. Whatever command he shall be pleased to lay upon us, we shall think it most just, and obey it most willingly, without examining any further. Be better advised; incline

M. Paris,
p. 85.

Quadrilopus.
Hoveden.
Gervase,
sub. ann.
1164.

V. Epist.
126. e Cod.
Cotton. in
Appendix.

V. Epist. in
Append.

“cline your minds to what is required of you; A. D. 1164.
 “that, while it is in your power, you may escape
 “from a danger which will very soon be inevitable.”

This was a language and behaviour most hurtful to the king, and very unbecoming the nobility of England assembled in parliament. It violated the freedom essential to the nature of such an assembly, and greatly impeached the legality of all their proceedings. But there was still in our parliaments a remainder of barbarism and ferocity, not unlike what is now seen in some Polish diets. And the impatient spirit of the nobility was more than usually heated on this occasion, by the interest they had in the confirmation of laws so necessary to the general weal of the kingdom, and by their indignation at the confederacy, which now became apparent, between the pope and the English prelacy, under the conduct of Becket, to subject the temporal power to the ecclesiastical. Having long endeavoured, without success, to reason the bishops into a better temper of mind, they now began to treat them, rather as enemies to their country than members of a free legislature, whose determinations ought always to be exempt from the least shadow of violence or compulsion. Yet, in despite of their menaces, the prelates remained firm, believing, perhaps, that their fury, to whatever height it might rise, would be restrained from any outrage by the prudence of the king. Becket alone, after the temporal lords were departed, withdrew from his brethren, and went to consult with the prior of the Temple in London, and another knight templar, his particular friend, who both exhorting him to submit to the orders of the king, he returned to the bishops, and spoke, in the hearing of them all, these very remarkable words: “*It is my master’s pleasure that I should forswear myself, and at present I submit to it, and do resolve to incur a perjury, and repent*”
 “afterwards,

V. Epist.
126. in App-
pend.

Quadrilo-
gus.
Gervase.

V. Epist.
126. in App-
pend.

A. D. 1164. “*afterwards, as I may.*” The bishops heard him with astonishment, and were not a little scandalized at what he had said. Yet they went with him to the king and the other barons in parliament, to whom he declared his assent to the constitutions proposed, and promised *in the word of truth, that he would observe them in good faith, and without deceit*; which was the usual form of all promissory oaths at that time. Having thus bound himself, he enjoined the other bishops by the canonical obedience they owed him to take the same engagement; which they all did in the same words. They then signed the articles, and set their seals to them; but this Becket declined: a reserve which does him no honour! for, after a solemn promise, that he would observe those constitutions, it was inconsistent and trifling to scruple the signing or sealing of them. The omitting of this form did not at all mend his case, or take off from the incongruity of his subsequent conduct: for, besides his verbal engagement, the consent he had given to the articles is expressly declared in the preamble to the act itself; which was, undoubtedly, as strong a testimony against him, as his subscription or signature; and all authors agree, that he received one counterpart, or authentic copy of it, into his custody; another being delivered to the archbishop of York, and a third retained by the king himself, to be enrolled among the royal charters. If therefore there is any weight in this circumstance, it can only shew that he was looking for subterfuges, where none could be found, a little to palliate the guilt of that perjury, which (as he had told the bishops) he was deliberately resolved to incur.

It was not, I presume, from his having less obstinacy or courage than his brethren, that he was the first to forsake a cause, of which he had been the warmest champion; but from his being persuaded that his danger was greater, and that he should be

See the preamble to the constitutions in the Appendix.

Epist. 126.
e Cod. Cotton. in Appendix. &c.

Epist. 12. l. i.
e Cod. Vatican. Gervase. Hoveden. Quadrilogus.

See the preamble in the Appendix.

be singled out from all the others, to bear the whole weight of his sovereign's indignation, which he saw the nobility disposed to aggravate. And this apprehension was well founded. For, besides that it is usual, when any great bodies of men have offended against a state, to punish the head, rather than the members, Henry must have desired, both from passion and policy, to set a particular mark of his royal displeasure, in the issue of this business, upon one who had so treacherously deceived his affection, and whom naturally he must hate, in proportion as he had loved him, above all others. Nor did that prelate intend to give up the contest in reality, but only to temporise, and avoid the instant danger.

In my relation of this transaction there are some particulars of great importance, which differ from all the accounts that have been hitherto given by other writers: but they are founded upon the most unquestionable authority, upon a letter written by Gilbert Foliot, then bishop of London, to Becket himself, during his exile, concerning this matter. I have before made some use of other passages in this letter, which, among many other epistles to and from the archbishop, has been preserved in a manuscript, which appears to be of that age, in the most valuable collection of our English antiquities, the Cotton library; from whence it is transcribed into the Appendix to this volume. A very strong presumptive proof of the truth of the facts attested there, relating to Becket's behaviour, and that of the other bishops in the council of Clarendon, is their remaining uncontradicted by the primate himself, who, if he had not been silenced by the testimony of his own conscience, must have loudly complained of such a misrepresentation, capable of being disproved by all his brethren there present, to whom he might have appealed against the calumny

A. D. 1164. invented by Foliot. But he never answered this letter. It must also be observed, that Baronius, who, in writing of these times, has transcribed several letters out of the Vatican manuscript of the same collection, and particularly that to which this appears to be an answer, has omitted to transcribe or mention this: and (what is no less remarkable) in the printed edition made at Brussels, from the Vatican manuscript, this is also left out. By which suppression of evidence, upon a point so important to the character of one of their greatest saints, we may judge of the credit due to the clergy of that church in ecclesiastical history.

Cod. Vat. l. i.
Epist. 108.
Thomas
Cantuar. ec-
clesiæ humi-
lis minifter
Gilb. episc.
Lond. Quod
semel, hoc
iterum: Sic
transire per
bona tempo-
ralia, ut non
amittat
æterna.

Sixteen articles of this charter, or code of laws, which is called *the constitutions of Clarendon*, related particularly to ecclesiastical matters, whereof the ten following were the most contradictory to the pretensions of the clergy and see of Rome.

1. If any dispute shall arise concerning the advowson and presentation of churches, between laymen, or between ecclesiasticks and laymen, or between ecclesiasticks, let it be tried and determined in the court of our lord the king.

2. Ecclesiasticks arraigned and accused of any matter, being summoned by the king's justiciary, shall come into his court, to answer there, concerning that which it shall appear to the King's court is cognizable there; and shall answer in the ecclesiastical court, concerning that which it shall appear is cognizable there; so that the king's justiciary shall send to the court of holy church, to see in what manner the cause shall be tried there: and if an ecclesiastick shall be convicted,

viſted, or confeſs his crime, the church ought not A. D. 1164. any longer to give him protection.

3. It is unlawful for archbiſhops, biſhops, and any dignified clergymen of the realm, to go out of the realm without the king's licence; and if they ſhall go, they ſhall, if it ſo pleaſe the king, give ſecurity, that they will not, either in going, ſtaying, or returning, procure any evil, or damage, to the king, or the kingdom.

4. Perſons excommunicated ought not to give any ſecurity by way of deposit, nor take any oath, but only find ſecurity and pledge to ſtand to the judgment of the church, in order to abſolution.

5. No tenant in chief of the king, nor any of the officers of his houſhold, or of his demetne, ſhall be excommunicated, nor ſhall the lands of any of them be put under an interdict, unleſs application ſhall firſt have been made to our lord the king, if he be in the kingdom, or if he be out of the kingdom, to his juſticiary, that he may do right concerning ſuch perſon; and in ſuch manner, as that what ſhall belong to the king's court ſhall be there determined, and what ſhall belong to the eccleſiaſtical court ſhall be ſent thither, that it may there be determined.

6. Concerning appeals, if any ſhall ariſe, they ought to proceed from the archdeacon to the biſhop, and from the biſhop to the archbiſhop. And, if the archbiſhop ſhall fail in doing juſtice, the cauſe ſhall at laſt be brought to our lord the king, that by his precept the diſpute may be determined in the archbiſhop's court; ſo that it ought not to proceed

A. D. 1164. any further without the consent of our lord the king.

7. If there shall arise any dispute between an ecclesiastick and a layman, or between a layman and an ecclesiastick, about any tenement, which the ecclesiastick pretends to be held in frank almoigne, and the layman pretends to be a lay fee, it shall be determined before the king's chief justice by the trial of twelve lawful men, whether the tenement belongs to frank almoigne, or is a lay fee; and if it be found to be frank almoigne, then it shall be pleaded in the ecclesiastical court; but if a lay fee, then in the king's court; unless both parties shall claim to hold of the same bishop or baron: but if both shall claim to hold the said fee under the same bishop, or baron, the plea shall be in his court: provided that by reason of such trial the party who was first seized shall not lose his seizin, till it shall have been finally determined by the plea.

8. Whosoever is of any city, or castle, or borough, or demesne manor, of our lord the king, if he shall be cited by the archdeacon or bishop for any offence, and shall refuse to answer to such citation, it is allowable to put him under an interdict; but he ought not to be excommunicated, before the king's chief officer of the town be applied to, that he may by due course of law compell him to answer accordingly; and if the king's officer shall fail therein, such officer shall be at the mercy of our lord the king; and then the bishop may compell the person accused by ecclesiastical justice.

9. Pleas of debt, whether they be due by faith solemnly pledged, or without faith so pledged, belong to the king's judicature.

10. When

10. When an archbishoprick, or bishoprick, or A. D. 1164.
abbey, or priory, of royal foundation, shall be vacant, it ought to be in the hands of our lord the king, and he shall receive all the rents and issues thereof, as of his demesne; and when that church is to be supplied, our lord the king ought to send for the principal clergy of that church, and the election ought to be made in the king's chapel, with the assent of our lord the king, and the advice of such of the prelates of the kingdom as he shall call for that purpose; and the person elect shall there do homage and fealty to our lord the king, as his liege lord, of life, limb, and worldly honour (saving his order) before he be consecrated.

I shall have occasion, in another part of this book, to mention the contents of the six other articles. Some constitutions were likewise added, not relative to the church, which will hereafter be considered among the laws of this king: and at the end of the act there was a general clause, to save and confirm to the church, the king, and the barons, all other their rights and dignities not therein contained.

It is very remarkable that the bishop of Winchester did not endeavour to gain the favour of the pope, and once more put himself at the head of an ecclesiastical faction in England, by making a firm opposition to these proceedings. He could not want inclination to take this part, disgraced as he was and dissatisfied with Henry; but he saw that the temper of the nation was changed, and would not support him now against the civil power, as it had done in the heat of their quarrel with his brother. Anger in subjects acts as violently as ambition in kings: and thus, when a prince, by ruling ill, forsakes his

A. D. 1164. true interest, it often happens that his people are drawn to depart no less from their's, and blindly give themselves up to the conduct and direction of any one man, or sett of men, who will gratify their resentments, by opposing the court, however improper in itself, or however criminal in its motives, that opposition may be. To such a rage of discontent it was undoubtedly owing, that so great a part of the laity, in Stephen's reign, had joined with the clergy under the bishop of Winchester, in some of their attempts against the ancient rights of the crown, without reflecting how materially they themselves were concerned in the maintenance of those rights. But the good sense of that prelate enabled him to judge, that, while the general welfare of the state was the sole object of government in all its measures, the pretensions of a factious clergy would not be espoused as the cause of the publick. And he had reason to fear, that, if he began to be turbulent, Henry might be provoked to revenge his mother's quarrel, together with his own, by pursuing him to destruction. He therefore submitted, as well as the other bishops, to what the present disposition of the nation required; not having the obstinate stiffness of a bigot, but a supple and flexible mind, which could, without difficulty, accommodate itself, in all political measures, to the spirit and bent of the times.

V. Epist. 4.
l. i.
V. etiam
Wilhelmo, in
vitâ S. Tho-
mæ prefix.
epist. c. 24.
p. 44.

It appears by a letter from Alexander to Becket, dated the third of the Calends of March in the year eleven hundred and sixty four, that some time after the breaking up of the council of Clarendon, Becket had joined with the archbishop of York, in writing to that pontiff, to support a request which Henry made, by Geoffry Ridel, archdeacon of Canterbury, and John of Oxford, *that his Holiness would confirm the ancient customs and dignities of his realm, by the authority of the apostolick see, to him and his successors.*

for. But the pope says, in the same letter, that he had refused his assent. And one cannot wonder that he did; for such a request was, in reality, desiring the assistance of the papal power against itself. Indeed a bull had been granted by Pope Calixtus the Second to King Henry the First, which confirmed all the laws and customs of his realm: nor is it improbable that Henry the Second relied on that precedent in making this application; Alexander being now, as Calixtus was then, driven from Rome by a schism: but many circumstances made a difference, both in the times and the question. The papal authority had not gained such a footing in England under King Henry the First, as under his successor; and therefore less was given up by the grant of Calixtus, than would have been sacrificed by Alexander, if he had sent one of the same purport to Henry the Second. Nor had Henry the First, when he obtained that concession, engaged himself so far in favour of Calixtus as his grandson had now done in favour of Alexander; and with the court of Rome, as other courts, no gratitude for past services has so much weight as present utility. Every act, by which the last of these princes had supported and strengthened the party of Alexander, especially in having fixed the king of France to his side, had made him more independent, and, consequently, less tractable to any demands prejudicial to the interests and views of his see. It would, indeed, have been more beneficial to the king of England's affairs in many points, and particularly in all his disputes with the church, if he had joined at first with the emperor in acknowledging Victor, and had prevailed on Louis to concur with him in that determination: because a pope of the imperial faction, set up and supported by the emperor, must necessarily have acted with more regard to civil govern-

C c 4

ment,

A. D. 1164.

A. D. 1164. ment, than the associate of Gratian in compiling the *decretum*, whose exaltation was owing to his known zeal for the papacy, and for the whole system of ecclesiastical power. We may judge of what might have been expected from Victor, by the promise which he made to the bishops of Germany, in one of the councils held there, to give up that great prerogative of the papal supremacy, the receiving of appeals to his see. It was therefore a considerable error in Henry to favour the adversary of this pontiff, and render himself the patron and chief support of that faction, which in its temper and principles was most repugnant to the purpose he had in view. By what means he was drawn into so unhappy a mistake has before been shewn. But, as things were now circumstanced, it was hardly to be hoped, that he should obtain more of Alexander, than a silent acquiescence in the confirmations of his customs by a parliamentary sanction: and it is surprising he should ask for any thing further; because (as we are informed by the above-cited letter from Alexander to Becket) he had applied to the former, before the assembly at Clarendon, by the bishop of Lisieux, and the archdeacon of Poitiers, for a mandate to be sent to all the English bishops, wherein the pope should require them to observe the ancient customs and dignities of the realm; which his holiness had refused to grant him, without such modifications and temperaments, as would have defeated the purpose for which it was desired. But it seems that the dissimulation and falseness of Becket deceived the king in this matter. For, at the very time when, conjointly with the archbishop of York, he applied to Alexander to confirm the constitutions of Clarendon, he had suspended himself from celebrating mass, in testimony of his penitence for the crime he had committed by consenting to those laws: and there

Saxo Gram-
mat. subann.
1163.

V. Epist. 4.
l. i.

there is extant a letter from that pontiff to him, dated on the Calends of April, which enjoins him to return to the service of the altar, lest his absence from it should occasion a publick scandal; and absolves him from his sin, out of regard to the necessity he was supposed to be under, and to his intention in giving that unwilling consent. His having acted this part was a secret to Henry: but it is probable that the pope, by his agents in England, had early notice of it; and consequently he would pay but little regard to any thing done or said by Becket merely with an intention to impose on the king.

Another request had been made to Alexander by Henry, and pressed with great eagerness, which was, that a commission appointing him legate over the whole kingdom of England should be granted by his Holiness to the archbishop of York, and sent to Henry, to be delivered by him to that prelate, whenever he should think proper. This was agreed to, but under such a restriction as rendered it ineffectual: for, before it could be obtained, a promise was made by the king's ministers in his name, that he would not deliver the commission without the knowledge and consent of Becket. It is surprising that they should not have discerned the inutility of this pretended favour. Nor is it easy to account for the conduct of the pope, who, in notifying it to Becket, took no notice to him of the limitation under which it was granted. But not long afterwards, when he found that a great alarm had thereby been given to that prelate, who apprehended from it both disgrace and danger to himself, he informed him, by another letter, of the condition he had annexed to this illusory grant, and promised him, if the king should make any use of it, to exempt his person, and the church and city of Canterbury, from the archbishop of York's jurisdiction.

A. D. 1164.
V. Epist. 26.
l. i.

V. Epist. 4.
l. i.

V. Epist. 5.
l. i.

V. Epist. 4.
ut supra.

V. Epist. 5.
ut supra.

A. D. 1164. tion. Indeed this assurance was needless: for Henry, finding himself clogged by the promise given by his ministers, which he absolutely disavowed, sent back the commission, and could obtain no other so unlimited as to answer his purpose.

V. Epist. 6.
l. l.

V. Historiam
Quadrupart.
Stago.

These applications to the pope having entirely failed, and the king imputing his disappointments therein to Becket, all amity between them apparently ceased, and the archbishop, being resolved not to recover his favour, by the only effectual means, obedience to his laws, began to apprehend his resentment, and in order to shelter himself from the storm, which he foresaw would soon rise, determined to go immediately out of the kingdom.

The doing this without a permission from the king was a very high misdemeanour, and particularly forbidden by the constitutions of Clarendon: but he now thought, or professed to think, that the disregarding of those statutes, though he had sworn to observe them, was an act of religion. Nor was it his intention, in flying out of England, to abandon the cause he had so deliberately engaged in; but he supposed that he should serve it with more advantage abroad, in the present state of affairs, than by remaining exposed to the indignation and power of Henry within his realm. Anselm and Theobald had set him the example of a voluntary exile on like occasions; and he hoped that by working on the bigotry and simplicity of the French monarch, and by animating the pope to more vigorous measures, he should force his sovereign to give up the constitutions of Clarendon, and then return with security and in triumph to his see. For this purpose he had sent an agent to Louis, by whom the mind of that prince was disposed to afford him protection and assistance. Not doubting therefore of a safe and friendly asylum,

Quadrilogus.
Gerv. Chron.
sub ann.
1164.

he

he went by night to the port of Rumney, with all possible secrecy, and attended only by two domesticks set sail for France. But, having been twice driven back by contrary winds, he returned to Canterbury just in time to prevent the king's officers, who, upon the report of his flight, had been sent with a commission to seize his temporalities, from executing their orders. That report had given Henry no small disquiet, because he feared that a blemish might have been thrown upon his character, as if he had driven the archbishop from his see, in a tyrannical manner, without a legal process. Besides this apprehension, to which he expressed a great sensibility, he had another and a very strong reason for his uneasiness. He was then in such circumstances, that an enemy, or a rebel, especially one who was acquainted with all the secrets of his foreign affairs, could hurt him infinitely more, abroad than in England. The news therefore of Becket's having failed in his attempt was received by him with great joy; and when that prelate came to him at his palace of Woodstock, he so mastered his passion as to treat him very mildly. One word only dropped from him in the course of their conversation, which discovered the real sentiments of his heart. He asked the archbishop, as it were jestingly, "whether the reason of his having desired to go out of his territories, was, *that the same land could not contain them both.*" What reply Becket made to this embarrassing question we are not told: but at his return from the palace he notified to his friends, that, although the king dissembled with him, he clearly saw, he must either shamefully yield, or manfully combat; for he should presently be put to the proof. Being persuaded of this, he chose rather to begin than wait for hostilities, openly opposing the laws enacted at Clarendon, protecting churchmen who had offended against

A. K. 1164.

V. Epist. 126.
e Cod. Cotton. in Appendix.Quadrilogus.
five Histor.
Quadrupartita, l. i.V. Hist.
Quadrupartita, am.

A. D. 1154 against them, and expressing by his whole conduct a deliberate purpose to exalt the ecclesiastical above the civil power. All the nobles were alarmed, and Henry was told in plain words by some of his counsellors, *that, if he did not take care of himself and his successors, it would come to that pass, that He whom the clergy should elect would be king, and only so long as it should please the archbishop.* What England had seen under Stephen gave a force to these admonitions: but there was now on the throne a prince of much greater abilities, who determined to guard it against any such insults; and an occasion of executing that resolution, in a proper and legal manner soon offered itself to him.

Quadri-
gus. Stepha-
nus in vita
S. P.

V. Epi. 125.
Cod. Cot-
ton. in Ap-
pend. Qua-
drilog.

A royal mandate having been sent to Becket, requiring him to do justice to a great officer of the household, John, the king's marshal, concerning an estate which he claimed from the church of Canterbury; and, the limited time being past, that nobleman now brought his complaint to the king, that justice was denied him by the archbishop. He also declared that he had gone through the necessary forms for removing the cause out of the court of Canterbury into the king's court. Whereupon a citation was sent to Becket from the king, by which that prelate was ordered to appear before him, upon a fixed day. But his answer to this summons was an express declaration, *that he would not obey it.* Which appearing greatly to derogate from the king's right and dignity, it was thought proper to bring him before the high court of parliament, to answer for this offence, and several others he was charged with on the part of the crown. A great council was accordingly summoned at Northampton, *to which* (says the bishop of London in his letter to Becket) *the whole people came, as one man.* Those of the assembly, who by their rank and dignity were intitled

V. Epi. 125.
p. 211.

Ibidem.

to

to sit in the presence of the king, having taken their seats, Henry complained to them in very moderate and decent terms of the contempt of his mandate shewn by the archbishop of Canterbury; who, being called upon to answer, confessed the fact, only alledging in excuse of it, that the marshal had failed in point of form, because he had taken the oath required of him to authorise the appeal, not upon the gospel, as he ought to have done, but upon the psalter, or a book of hymns then used in churches. This plea was judged insufficient; the court condemned the archbishop, as guilty of contumacy against the king's majesty; because, having been cited by the king, he neither came, nor alledged by message any infirmity of body, or necessary function of his spiritual office, which could not be delayed: and therefore, they decreed his goods and chattels to be all at the mercy of the king. The bishops unanimously concurred in this sentence with the temporal barons; and it being understood that a fine of five hundred pounds (equivalent in those days to seven thousand five hundred in these) would be accepted by Henry, Becket submitted to pay that sum, and found sureties. We are told by one author, that this sentence was pronounced by the bishop of Winchester, at the command of the king: but I think the fact very doubtful. Nor do I give much credit to what the same historian relates of the refusal of Foliot bishop of London to concur with all his brethren, in being sureties for Becket: as I do not find him reproached with it in any of the letters written afterwards by that prelate, or any of his friends, on this subject. Such a singularity would have certainly deserved animadversion, and they were much inclined to censure him wherever they could.

Ibidem.

V. Stephanid. in vita S. T.

V. Herbert. in vita Becket præf. epistol. et in Hist. Quadrupart. a. Geiv. Canon. collect. 1329. Hoved. Ann. sub. ann. 1165. V. Stephan in vita S. T.

The

A. D. 1164.

Vit. S. T.

Cantu. præ-

fix. epist. p.

47. c. 26.

Gerv. Chron.

sub. ann.

1164.

V. Epist. 6.

& 33. l. ii.

e Cod. Vatic.

& Hist. Qua-

drispartita, &

Gerv. Chron.

The next day, the king demanded of the archbishop five hundred pounds, which he said he had lent him, when that prelate was his chancellor. Becket affirmed that it was given, not lent: but, as he could not prove the grant, the court condemned him to pay the money back; and he submitted to the sentence; five of his vassals offering themselves to be his sureties, as they saw the bishops unwilling to pledge themselves for him any further. But on the third day a higher charge was brought against him; it being alledged that having had, while he was chancellor, the rents of several vacant abbies and bishopricks, with other casual profits belonging to the crown, many years in his hands, he never had given any account of them, which now the king required him to do. He said, that not having been cited concerning this matter, he came not prepared to make a present answer to it; but in due time and place he would not fail to do the king right. It would have been unjust to deny him so necessary a delay; nor did Henry object to it, or press him to come to an immediate account, but only demanded sureties: whereupon he desired leave to consult with the bishops; and the king permitted him to go with them into a separate room. The difficulty, upon which he requested their advice, was indeed very perplexing. His expences, while he was chancellor, had been enormous, and much beyond what the income of his employments or benefices, great as they were, could supply. The chief support of that magnificence was the king's money in his custody, of which, during the time that he continued a favourite, his indulgent master had neglected to ask an account, and he had never given any. But that omission, which favour had connived at, anger would not overlook, and justice could not, when it was made a legal charge. Sensible of this he resolv-

ved

ved in his own mind to submit to no examination, and not to attempt to find security for what he could not perform; but wished much to be supported by the authority of his brethren in resisting the demand.

The bishop of Winchester, who inclined to serve him, reminded the other prelates, that on his election to the see of Canterbury he was given to the church *free and discharged from all the bonds of the court*; as had been declared in their hearing by the king's justiciary. And it is said in a letter from the bishop of London on this subject, *that many thought his promotion a sufficient discharge from all the obligations he had contracted in the court*. But that prelate

A. D. 1104.

V. Hist. Quadripartitam, c. 27,

V. Epist. 120: e Cod. Cotton. in Append.

V. Hist. Quadripartitam.

himself was of another opinion, and therefore advised him to resign his archbishoprick into the hands of the king, as the only means that could be found to draw him out of this difficulty, by appeasing the resentment of that monarch against him. The bishops of Chichester, Lincoln, and Exeter expressed their assent to this council; but the bishop of Winchester said it would be a precedent of dangerous consequence to them all, and of great prejudice to the liberty of the church. The bishop of Worcester spoke doubtfully; and a long silence ensuing, Becket rose up, and desired to speak with the earls of Leicester and Cornwall, who were then with the king. These lords being called to him, he told them that the persons to whom his cause was best known not being then present there, he prayed a respite till the next day, at which time he would make his answer *as God should inspire him*. Which being explained to the king by the bishops of London and Rochester, as purporting that he would then deliver in his accounts, that prince sent back the two earls above-mentioned, to signify his assent to the delay requested by him, if he would perform, on his part, what the two prelates, his suffragans, had promised in his name. But he denied that he had authorised

Ibid. c. 27.

them

A.D. 1164. them to carry such a message, and repeated again his former words. Nevertheless the king permitted him to depart, and, the next day being Sunday, adjourned the council till Monday, that no precipitation or hardship might be justly complained of in the proceedings against him. When he came home, he found himself entirely forsaken by the great train of knights and gentlemen which had attended him to the parliament: whereupon he ordered his servants to pick up all the beggars about the hedges and villages in the neighbourhood of Northampton, and invite them to his table; affecting to imitate the parabolical feast of the gospel. His command was obeyed, and he dined in that company, saying, *that with such an army he should more easily obtain the victory, than with those who had shamefully fled from him in the hour of danger.* Yet

Ibid. c. 28. his mind was so agitated, that the disturbance of it brought upon him a violent fit of the cholick, to which distemper he was subject. It seized him on Sunday night, and disabled him from attending the council the next day. All the assembly believed that his illness was a feigned one; but, to know the truth, they deputed some of the greater nobility, to visit and cite him to the court. He pleaded his sickness, which they evidently saw to be real, and assured them that he would not fail, with the assistance of God, to appear before them the next day, though he should be obliged to be carried in a litter. Early in the morning he was visited by many of the bishops, who endeavoured to persuade him, that, for the peace of the church, and his own safety, he should submit himself entirely to the king's pleasure; because, if he did not, he would be charged in the court of parliament with perjury and treason, as having failed in the allegiance he owed to the king, by refusing to obey the royal customs, to the observation of which he had particularly bound himself, with a new oath, so lately.

He

He replied, that he confessed himself inexcusable before God, for having taken an oath against God: but that, as it is better to repent than perish, he did not admit a law repugnant to the divine law. David, he told them, had sworn rashly, but repented: Herod kept his oath, and perished. Wherefore he enjoined them to reject what he rejected, and annul those obligations which would destroy the holy church. "It is (added he) a detestable proceeding, that you have not only forsaken me in this dispute, but now for two days have sat in judgement with the barons upon your spiritual father. And from what you say I conjecture that you are ready to judge me, not only in a civil, but also in a criminal cause. But I forbid you all, for the future, in virtue of the obedience you owe me, and at the peril of your order, to be present at any further proceedings against me: which the better to prevent, I appeal to the refuge of all who are oppressed, our mother, the church of Rome. And if, as it is rumoured, the secular power shall presume to lay hands upon me, I command you, in behalf of your father and metropolitan, to thunder out the proper ecclesiastical censures. But of this be assured, that let the world rage against me ever so furiously, even though my body be burnt, I will not shamefully yield, nor wickedly forsake the flock committed to my care."

The bishops having left him after this declaration, he went and said mass at an altar dedicated to St. Stephen, ordering it to begin, as on the festival of that martyr, with these words of the scripture, *Princes sat and spoke against me*: he also caused this verse of the Second Psalm, *The rulers take counsel together against the Lord, and against his anointed*, to be sung as part of the service. Having thus prepared himself (as one of his advocates tells us)

A. D. 1164.
Gerv Chro.
sub ann.
1164.

V. Hist.
Quadripart.
c. 29.

V. Historia
Quadripart.
Gervase
Hoveden.

A. D. 1164 for martyrdom ; or (as it was, doubtless, understood by the king and the peers) having thus libelled them and their proceedings, he secretly carried with him a consecrated host, and went to the parliament. When he came to the door, he took the cross out of the hands of the person who bore it before him, and holding it up entered alone into the chamber, where the king and the barons assembled expected his coming. The bishops rose up to meet him, and were greatly astonished, when they saw him appear in so extraordinary a manner before his sovereign and his judges. The bishop of Hereford offered to carry the cross, as his chaplain, but he refused to deliver it, saying, it was proper he should bear it himself, as he wanted it to protect him ; and that, when this ensign appeared, it would be evident under what prince he fought. The bishops of London and Hereford strove in vain to wrest it out of his hands : which the archbishop of York observing severely reprov- ed him, for presuming to come into the court of his sovereign thus armed with his cross, as if to bid him defiance : and he was told, both by that prelate and the bishop of London, *that he would find the king's weapon of greater force than his* : to which he replied, *that the king's weapon indeed could kill the body, but his could destroy the soul and send it to hell.* He then notified to them all his appeal to the pope, and prohibited them from assisting in any other judgement concerning him or his cause.

V. Hist.
Quadrip. c.
30, 31.

The king, being informed of the manner of his coming, had instantly retired into an inner room of the castle, from whence he sent out a herald to command all the other spiritual and temporal lords, who were assembled in the hall, to attend upon him there. When this order was obeyed, he complained to them that Becket, by entering his court in that unheard of manner, had fixed a stain upon him and

all

all the peerage of England as if some treachery A. D. 1164.
 had been intended against him, which made it ne-
 cessary for him to have recourse to the sacred pro-
 tection of the cross. The answer made to him V. Hist.
 Quadrip. c.
 31.
 was, that the archbishop had been always a vain and
 arrogant man : That this action was an affront,
 not only to his sovereign, but to all the peers, and
 the whole kingdom assembled in parliament :
 That the king had drawn it on himself, by raising
 one of such a character above all his other subjects,
 and placing him next to the throne : That for his
 ingratitude and perfidy to so good a master, and
 for the manifest violation of his oath of fealty, in
 this offence against the honour and reputation of
 his sovereign, he ought to be impeached of perjury
 and high treason. But although this appeared to V. Hist.
 Quadrip. c.
 31.
 be the unanimous sense of the whole assembly,
 who confirmed the advice with loud clamours, yet V. Epist.
 126. e Cod.
 Co lon. in
 Append.
 the king was so moderate, that he would not allow
 them to proceed against the archbishop on this ac-
 count, but only required that justice should be
 done him with regard to the debt which he had
 claimed from that prelate, and sent some lords to
 demand of him, whether he would give pledges to
 stand to the judgement of the court on that article,
 or was prepared to do the king right according to
 his promise. His answer amounted to a peremp-
 tory refusal, which, together with the declaration
 he had made to the bishops of his appeal to the
 pope, appeared to the king and to all the temporal
 barons such an act of deliberate and contumacious
 disobedience, that it was resolved to attain him,
 as guilty of high treason. But the bishops found
 themselves under very great difficulties how to act
 on this occasion. The constitutions of Clarendon,
 which they had sworn to observe, i joined them to
 be present with the other peers at the trials of the
 king's court, till the judgement proceeded to loss
 of members or death. They knew that no sen-

A. D. 1164. tence of that nature would be past against the archbishop ; and the king called upon them, with the strong authority of a law so lately confirmed, to remember the oath they had taken, and perform their duty to him, by concurring in this judgement with the temporal barons. On the other hand they were afraid of the spiritual censures, which they might draw upon themselves, by disregarding the prohibition, and the appeal to the pope, notified to them by Becket. After some consultation, they agreed to implore the permission of the king to appeal to the see of Rome against that prelate, on account of his perjury ; solemnly promising, that they would use their utmost endeavours to prevail on Alexander to depose him from his archbishoprick, if the king would excuse them from joining with the temporal lords in the sentence, they were going to pass against him. To this Henry gave way, with more complaisance than discretion. Whereupon they went to Becket ; and the bishop of Chichester, who was the best speaker among them, accosted him with these words, “ Some time you was our archbishop, “ and we were bound to obey you : but because “ you have sworn fealty to our sovereign lord, the “ king ; that is, to preserve to the utmost of your “ power his life, limbs, and royal dignity, and to “ keep his laws, which he requires to be maintained ; and nevertheless do now endeavour to “ destroy them, particularly those which in a special manner concern his dignity and honour : “ we therefore declare you guilty of perjury, “ and owe, for the future, no obedience to a perjured archbishop. Wherefore putting ourselves “ and all that belongs to us under the protection “ of the pope, we cite you to his presence, there “ to answer to these accusations.” He then named a day for the archbishop’s appearance before the pontif. *I hear what you say,* replied Becket,

7. Hist.
Quadrip c.
22.

ket, and vouchsafed no other answer. Where-^{A. D. 1164.}
upon the bishops, withdrawing themselves from
him, to the opposite side of the hall, sat apart, in
deep silence, for a considerable time. The king,
in the mean while, had demanded justice against
him from the temporal peers, and had called in
certain sheriffs, and some *barons of inferior dignity*,^{V. Stephen.}
to assist in the judgement. They unanimously^{in vita S. T.}
found him guilty of perjury and treason. After^{V. Hist.}
which the earls and barons, with a great crowd of^{Quadrup. c.}
other persons attending the parliament, went to the^{33.}
archbishop; and the earl of Leicester, as grand
justiciary, said to him these words, “ The king
“ commands you to come before him, and give an
“ account of the money you are charged with,
“ according to the promise you made to him yester-
“ day. Otherwise hear your sentence.” “ My
“ sentence!” interrupted Becket, rising up from
his seat, “ nay, son earl, hear you first. You are
“ not ignorant how serviceable and how faithful,
“ according to the state of this world, I have been
“ to the king. In respect whereof it has pleased
“ him to promote me to the archbishoprick of
“ Canterbury, God knows, against my own will.
“ For I was not unconscious of my weakness; and
“ rather for the love of him than of God I acquiesced
“ therein: which is this day sufficiently ap-
“ parent; since God withdraws both himself and
“ the king from me. But in the time of my pro-
“ motion, when the election was made, prince
“ Henry, the king’s son, to whom that charge
“ was committed, being present, it was demand-
“ ed in what manner they would give me to the
“ church of Canterbury? And the answer was,
“ *free and discharged from all the bonds of the court.*
“ Being therefore *free and discharged*, I am not
“ bound to answer, nor will I, concerning those
“ things, from which I am so disengaged.”
“ Hereupon the earl said, “ This is very different

A. D. 1164. “ from what the bishop of London reported to the
 “ king.” To which the archbishop replied, “ At-
 “ tend, my son, to what I say. By how much
 “ the soul is of more worth than the body, so
 “ much are you bound to obey God *and me* rather
 “ than an earthly king: nor does law or reason
 “ allow, that children should judge or condemn
 “ their father: wherefore I disclaim the judge-
 “ ment of the king, of you, and of all the other
 “ peers of the realm, *being only to be judged, under*
 “ *God, by our lord the pope*; to whom, before you
 “ all, I here appeal, committing the church of
 “ Canterbury, my order, and dignity, with all
 “ thereunto appertaining, to God’s protection and
 “ to his. In like manner do I cite you, my bre-
 “ thren and fellow-bishops, because you obey man
 “ rather than God, to the audience and judge-
 “ ment of the sovereign pontif; and so relying
 “ on the authority of the catholick church,
 “ and the apostolical see, I depart hence.” He
 “ was then going out; upon which a general cry
 “ was raised in the hall; and as he passed along,
 “ many called him a perjured traitor. Stung with
 “ these words he turned his head, and looking back
 “ upon them with a stern countenance, said, as
 “ loudly as he could, that if his holy orders did
 “ not forbid it, he would by arms defend himself
 “ against the charge of treason and perjury: nor
 “ could he refrain from revenging himself upon
 “ two of the most clamorous, by very foul lan-
 “ guage; upbraiding one of them, who was an of-
 “ ficer belonging to the household, with one of his
 “ relations having been hanged; and calling Earl
 “ Hamelin, the king’s natural brother, bastard and
 “ catamite. When he came to the outward gate he
 “ found it locked; but the porter, at that instant,
 “ happening to be out of the way, one of his atten-
 “ dants perceived the keys hung on the wall near the
 “ gate, and seising upon them let him out. As soon

Gerv. Chro.
 Historia
 Quadrip.
 c. 34.

as he appeared in the street, a great number of beg-^{A. D. 1164.}
gars, together with the mob of the town, and ^{V. Hist.}
some of the inferior ecclesiasticks, crowded about ^{Quadrip.}
him, congratulating him upon his delivery, and ^{c. 34.}
attending him, with joyful acclamations, to the
convent where he lodged. This he affected to call
a glorious procession, and invited them all to par-
take of his repast. Whereupon the whole mo-
nastery and the courts belonging to it were filled
with this rabble, whom the archbishop very cour-
teously entertained as his guests. As soon as Hen-
ry was informed of his having withdrawn himself
so abruptly from the judgement of his peers, and
with such a provoking insolence of words and be-
haviour, he apprehended that the barons might be
incited by the excess of their indignation against
him to some act of illegal violence; and therefore ^{V. Epist. 126.}
most prudently ordered proclamation to be made, ^{e Cod. Cot-}
that he forbid all persons, on pain of death, to ^{ton. in App.}
do the archbishop, or his people, any harm. ^{Gerv. Chro.}
Presently afterwards he received a message from that ^{V. Hist.}
prelate, by the bishops of Hereford, Worcester, ^{Quadrip.}
and Rochester, requesting his licence to go out of ^{c. 35.}
the kingdom. On what pretence, or suggestion,
this petition was supported we are not told: but
probably it was, that he might prosecute the ap-
peal he had made to the pope. The king answer-
ed, that he would advise with his council upon it,
the next day. We are told by one, who was then ^{V. Heriber-}
attending upon Becket, that before he sent this ^{tum in Qua-}
message, upon hearing the words of the gospel, ^{drilog.}
“*When they persecute you in one city, fly to another.*”
read to him at dinner, he evidently shewed by
his countenance, that he resolved in his mind to
obey that precept. But, if we may believe John ^{V. Johan.}
of Salisbury, he conceived this design from an a- ^{in Quadril.}
larm which he received from two of the nobility,
who came to him in the evening, and, with many
tears and oaths, revealed to him a conspiracy a-
gainst

A. D. 1164. gainst his life, which some persons of great quality, but of infamous characters, had formed and bound themselves, by mutual oaths, to carry into effect. Whether any notice of such a plot had been given to the king, and was the occasion of his ordering the abovementioned proclamation, is uncertain; and indeed it looks like a story invented afterwards to justify the archbishop's flight: but, when that proclamation had been made, there was no reason to apprehend any danger of this kind. It is therefore most probable, that if such an intelligence was really given to Becket, he regarded it no further than to make it an excuse for leaving the kingdom, which stronger reasons might incline him to, and which he undoubtedly had been long desirous to execute. He now was sensible that he had no time to lose; and determined to attempt it that very night. The better to conceal his intention, or to encourage the notion of his apprehending some outrage, he ordered a bed to be made for him in the church, between two altars, as if he meant to take sanctuary there; and rising at midnight went out, by a back-door of the convent, with only two attendants, a monk of the Cistercian order, and another, named Herbert de Bosc-ham, who has written an account of his life, from which I shall take the particulars of his flight. This author indeed does not tell us, nor do I find in any other, how they got out of Northampton, which was then a walled town: but from his relation it appears, that instead of directing their course towards any of the ports, from whence the archbishop might readily pass over to the coast of France or Flanders, they rode northwards to Lincoln, in order to elude any pursuit, that might be made when his escape out of Northampton should be known. From thence he went by water to a hermitage in the fens, near forty miles from that city, where, being secured from discovery by the

V. Alanum
in Quadril.

V. Heribert.
in Quadril.

ibidem, l. ii.
c. 2.

the solitude of the place, he rested three days, and then turned to the south-east, travelling on foot, and by night, in the habit of a monk, but reposing all day in different monasteries, till he came to Estrey in Kent, a manor belonging to the priory of Canterbury, and not far from that city. There he remained eight days, unknown to all but one priest, who kept him concealed in his chamber, while Herbert de Boseham and two other ecclesiasticks of his train were employed at Sandwich to procure a small fisherboat for him, which he embarked in, with them, a little before the dawn of the fifteenth day from the last of his attendance at Northampton, being the tenth of November, in the year eleven hundred and sixty four. About the close of the evening he landed, not far from Gravelines: but, before I proceed to tell the consequences of his escape out of England, I shall make a few observations on the transactions relating to him in the parliament of Northampton.

It cannot, I think, be denied, that, whatever matters he was charged with, in that assembly, the offence which drew upon him the displeasure of the king, and without which he probably would have been accused of no other, was his renewed opposition to the constitutions of Clarendon. Upon this a most severe inquisition was made into the rest of his conduct: complaints against him were sought for; and it may seem that in the course of these prosecutions national justice was somewhat sharpened by royal resentment. Yet that every thing was done according to law we have great reason to presume from the manner of proceeding. For he was not condemned by delegates appointed by the king, and particularly under his influence, but in the high court of parliament, by all the barons and bishops of England. The bishops at least must have been careful not to concur in any judgement against their primate, which was not agreeable to the

A. D. 1164. the methods and forms of law then established, and to the nature and quality of the offence ; because, besides their own consciences and the reproach of the world, they had the resentment of Rome to apprehend in this business ; it being certain that Alexander would support the archbishop, as far as the case would admit. And it is very evident, that all possible care was taken, in the proceedings against that prelate, to avoid such matters as might engage the see of Rome in the quarrel. For this reason it was, that the king did not accuse him of violating the laws he had sworn to maintain, in points relating to the clergy ; but charged him as a civil officer, indebted to him in great sums, during the time of his ministry, and whose accounts had not been duly or regularly paid. He did not attempt to prove (and a contemporary historian says he *could not* prove) that the king had, by any order or act of his own, either previously authorised, or afterwards ratified, the pretended discharge, which he said had been given to him, upon his promotion to the see of Canterbury, by the young prince then an infant, and by the justiciary, in a very extraordinary manner, and without any examination of his accounts, on which a discharge could have been properly grounded. Whether the words spoken by them on that occasion, *that they gave him to the church of Canterbury free and discharged from all the bonds of the court*, could be supposed to extend to such an acquittance ; or how far the king's subsequent or preceding indulgence might be admitted, in equity, to bar, or at least to mitigate, the present demand, were points which the parliament might have favourably considered, if, with due obedience, he had submitted the case to their judgement. But for one standing so charged to deny the authority of the highest court in the kingdom, and in a cause purely civil, appeal from thence to an ecclesiastical and foreign court, when

Diceto in-
ter Decem
Scriptures,
P. 537.

when such an appeal, even in spiritual causes, had been so lately forbidden by one of the statutes enacted at Clarendon, was the highest act of contumacy that can be conceived : it was not only an infringement of that particular law, but a rebellion against all the laws of the land and the whole legislature ! His only apology was what a writer of his life, who lived in those times, says, he declared to the bishops, in answer to their objection of the solemn promise they had made to observe all the rights and prerogatives of the crown : namely, *that a Christian king had no right or prerogative, by the exercise whereof the liberties of the church, which he had sworn to maintain, could receive any prejudice.* But the question was, how far the liberties of the church extended, and the legislature had already decided that question, by declaring those customs, against which he objected, to be obligatory on all the subjects of England, and those pretended liberties, which he presumed to assert in behalf of the clergy, to be illegal encroachments and innovations. The parliament therefore could not possibly recede from this judgement, nor allow a subject to deny the validity of the laws which the king and they had established, disclaim their authority, and declare himself only responsible for his conduct to God and the pope. Odo bishop of Bayeux, and Flambard bishop of Durham, had been imprisoned for offences of less danger to the state. Nevertheless it is evident, that Henry had no intention, if Becket had staid in the kingdom, to punish him with such rigour as his behaviour deserved. He only desired to deprive him of his archbishoprick, and reduce him to a condition, in which his turbulent spirit would not be so troublesome to the government and peace of the kingdom. It would perhaps have been a wiser conclusion of the proceedings against him at Northampton, if, immediately after his contumacious departure

V. Steph-
nid. in vita
S. T. Can-
tuar.

A. D. 1164. departure from the court, the king had ordered him to be arrested and forced from the monastery into some place of safe custody. But, unquestionably, the worst fault committed by that prince, in the management of this business, was allowing the bishops to appeal to the pope, instead of joining in the sentence which the other barons pronounced against the primate. Indeed that appeal was made in consequence of the archbishop's; but it was equally offensive to the dignity of the kingdom: it admitted the judicature of the pope in a matter, of which he had no proper cognisance, and gave him an authority to revise and rejudge what ought to have been finally determined in England, by the law of the land and the judgement of the baons. There was much evil in this concession; but Henry was unwarily induced to make it, by his very earnest desire of keeping the bishops on his side in this contest, and by a belief that the pope would be persuaded by them to consider the dispute, as a pecuniary cause between him and his late chancellor, in which the church, or the hierarchy, had no concern. And if through their mediation, that pontiff could be prevailed upon to depose the archbishop, he thought it would as effectually answer his purpose as more violent methods, and less disturb the tranquillity of his kingdom. But he was greatly deceived in these opinions. Becket acted more artfully, and with a truer discernment of the consequences that would follow from his conduct. By his plea of exemption from all secular jurisdiction, and by citing the bishops to answer at the tribunal of the pope, for having concurred with the laity in the former judgements against him, he interested the authority of Rome in his quarrel; and instead of a defendant in a weak or doubtful cause made himself plaintiff in behalf of the church, and the champion of that court to which he appealed.

Thus

Thus the policy of the king was baffled, and his hope disappointed : the contest not being, in Alexander's opinion, whether Becket ought to pay the debt he was charged with, but what were the limits of the civil and ecclesiastical powers.

Upon the first notice that the archbishop had secretly fled from Northampton, orders were given by Henry to watch the sea ports, particularly Dover ; but, lest all these cautions to prevent his escaping out of England should prove ineffectual, that prince was advised to entreat the king of France not to receive him in his territories ; and likewise to employ all his power to obtain of the pope, that the appeal made to his Holiness might be decided in England, by legates sent thither, and the fugitive primate remanded back to his see, till judgement was past. This seemed very necessary ; for the king had much to fear from that prelate's being suffered to take refuge in France. The secrets of the state were known to him ; and what use he might be inclined to make of that knowledge, how many enemies he might raise against his late master, how many friends he might cool, what instructions he might give to those who envied or dreaded the greatness of that monarch, in prejudice to him and his government, was matter of very serious and very uneasy consideration. At the same time, not to put any difficulties in the way of the negociation with Alexander, it was thought expedient that the king should abstain from the exercise of his royal prerogative, which gave him a right to seize the archbishop's temporalities, in consequence of his flight ; and that all who belonged to that prelate should be left unmolested by the government, till it had been seen what effect such gentle measures would have, in bringing the affair to an amicable conclusion between Henry and the pope. To these counsels the king assented ; and a most splendid embassy,

V. Hist. Quadripart. l. ii. c. l.
Gervase, *scilicet* ann. 1164.

A. D. 1164. embassy, consisting of many of the chief nobility of his kingdom, both ecclesiasticks and laymen, was accordingly sent, without delay, to the king of France and to Alexander, of whom the latter had made Sens, a town in Champagne, the place of his residence. But the ambassadors were commanded, on account of the uncertainty where Becket might be, to go first to the earl of Flanders, and deliver to him a letter, of the like purport with that they carried to Louis, complaining of the archbishop, as having traiterously fled from justice, and desiring the earl not to give him protection in any part of his country. It so happened, that they passed from Dover to Calais, at the very time when Becket sailed from Sandwich to Flanders. As he had not been heard of in England after a search of some days, it was supposed by the king's officers that he had escaped to France or Flanders, while he was still in the kingdom; and this opinion occasioned their not being so vigilant in guarding the ports, as when the orders to that purpose were first received. But his danger did not end upon his crossing the sea. It has been shewn in the former parts of this history, that the earl of Flanders, besides his near relation to Henry, was under the greatest obligations to him for the care he had taken of his person and territories, while his father was in Asia. It has likewise been told, that his brother, the earl of Boulogne, had been assisted by that prince in his marriage with Matilda, King Stephen's daughter, in virtue of which he had gained that opulent province. These were strong reasons to render them both unfavourable to Becket. Nevertheless it appears by a letter from John of Salisbury, whom he had sent abroad, as his agent, when first he took the resolution of seeking an asylum on the continent, that the earl of Flanders had given him an assurance of protection, and had even offered

V. Epist. 24.
l. i.

to

to procure a vessel and seamen for his passage. But A. D. 1164. that was before the proceedings against him at Northampton, and when his going out of England could not have been branded as flying from justice. In his present circumstances to protect him was inconsistent with any shew of friendship for his sovereign. Sensible of this he desired to pass undiscovered through the territories of Flanders, and perhaps he had privately agreed with the earl, that, not to draw upon that prince a quarrel with Henry, he should come in disguise, and, seemingly, without his knowledge. Certain it is that he acted with no less caution than if he had been in an enemy's country: for, being afraid to enter the port of Gravelines, where he might have been sub-Heribertus in Quadri-
logo, l. ii. c. 3. ject to a troublesome examination, he was set on shore a league from thence, and forced to travel on foot, through deep roads, and a great storm of wind and rain, before he had recovered from the sickness occasioned by his voyage. It so fatigued him, that, his strength being quite overcome, he laid himself down upon the ground, cold and wet as it was, and declared to his attendants, that he could not walk any farther. They then procured him a horse, but without a bridle or saddle. Supplying these defects, as well as he could, by a halter and some cloaths of the three monks who waited on him, he rode to Gravelines, and, under the name of Frier Christian, stopped at an inn in that town. We are told by one of his companions, that, while he was at supper, the Heribertus in Quadri-
logo, l. ii. c. 4. host, being a man of more than vulgar sagacity, suspected who he was, from some remarks on his countenance, person, and behaviour, and from the report, which had already spread itself all over Flanders, of his prosecution and flight. These suspicions he immediately imparted to his wife, who confirming them from her own observations and opinion, they began to treat him with a re-
spect

A. D. 1164. spect that made him very uneasy. To take it off, and persuade them of his being what he appeared, he invited the host to sit at table with him; but the good man, seating himself, with great humility, at his feet, said to him, "My lord, I return thanks to God Almighty, that I have been thought worthy of receiving you under my roof." "Why, who am I?" replied Becket: "am not I a poor monk?" "No," said the host, "you may call yourself what you please; but I know you to be a great man, and archbishop of Canterbury." Though it was dangerous to trust a person unknown, Becket thought it more dangerous to persist in a reserve that probably would be useless, and therefore declared himself to him, with an air of frankness and confidence, proper to confirm his good will. This secured his fidelity: the archbishop passed the night without a further discovery, and, for fear that the next day should produce any alteration, he took the man along with him, to be his guide to St. Omers. When they arrived there, which was late in the evening, he would not enter the town, but went to a monastery of the Cistercian order situated near to it, where he learned that the ambassadors sent by King Henry had come that day to St. Omers, and were lodged in the castle. Upon this intelligence he removed in the night to a hermitage, which had belonged to St. Bertin; a very solitary place, surrounded with waters. Here he was concealed, three days and nights, with only one of his attendants, having ordered the two others to watch the motions of the English ambassadors, who left St. Omers the next morning after his departure from the convent. On the fourth day, being informed that he might come without danger, he went to the abbey of St. Bertin, where he was received by the monks with regal respect and affection.

V. Hist.
 Quadripart.
 L. ii. c. 7.

The

The English ministers, having made a short A. D. 1164. abode with the earl of Flanders, hastened to France, where they supposed the archbishop had found means to procure a secret asylum; as they had no tidings of him. The esteem which Louis had conceived for the character of that prelate, when he knew him as chancellor and favourite to King Henry, had since been greatly encreased by the general fame of his piety, and by the account of his extraordinary zeal for the church, which he had received from a messenger, whom the archbishop, not long after the council of Clarendon, had sent over on purpose to make a favourable representation of his cause and behaviour. V. Epist. 23. l. i. This agent was assured, at his departure from the king, that if the primate should seek an asylum in his territories, he would receive him, not as a bishop, or an archbishop, but *as a partner in his kingdom*. The subsequent proceedings at Northampton were also reported to Louis with much kindness for Becket, by many of the bishops of France, who, being leagued in the same ecclesiastical faction against the civil power, spoke of him as a martyr. He had moreover some advocates among the laity there. The earl of Champagne, and his brothers, who, from the enmity of the house of Blois against that of Plantagenet, wished ill to the king of England, suggested to Louis, that by fomenting the discord between the church and the crown, which had fortunately arisen in that kingdom, he might effectually secure and strengthen his own. It must be confessed, that in this counsel there was a colour of reason. Yet a wiser prince would have seen, that, upon such an occasion, any particular jealousies ought to have been sacrificed to the common cause of both crowns, that is, to the maintaining of the royal authority against ecclesiastical and papal encroachments. All the kings in the Christian world

A. D. 1164. were no less interested in this dispute, on the side of Henry, than the pope was, on the side of the archbishop of Canterbury; and as Alexander disregarded all the great obligations which he had to that monarch, when brought into comparison with the interest of his see; so should Louis have set aside the lesser reasons of state, to assist his brother of England in supporting the essential and fundamental rights of sovereignty, thus attacked by the priesthood. But his policy not reaching so far, and his bigotry, which more than any other principal directed his conduct, inclining him eagerly to espouse the cause of Becket, he received very coldly the English ambassadors, when they arrived at his court; and beginning to read the letter, they had brought to him from Henry, he stopped at these words, “ Thomas, *late archbishop of Can-*
Gervase.
Quadrilogus
terbury, has fled out of my realm like a traitor;” and asked them whether the person there mentioned was no longer archbishop of Canterbury, and who had deposed him? They appearing embarrassed at the question, he said, “ I am a king as well as the king of England; but I would not have deprived the lowest clerk in my kingdom, nor do I think I have power to do it. I know that this Thomas served your sovereign long and faithfully in the office of chancellor; and his recompence is now, that his master, after having forced him to fly out of England, would also drive him out of France.” The ambassadors hereupon, seeing no hopes of succeeding in this part of their business, entreated him at least to admonish the pope not to give any credit to the suggestions of Becket against the king of England; which he likewise refusing, they left him, and went to Alexander at Sens. The day after their departure, the two ecclesiastics, whom Becket had dispatched from St. Omers, arrived at Compiègne, where Louis then kept his court, and implored him to grant that prelate an asylum
in

in his kingdom. He embraced them, and repeated to them the answer he had given to Henry's ministers, bidding them assure the primate in his name, that he should be received with great kindness. Nor was he satisfied with this promise; but dispatched his own almoner on a message to the pope, beseeching his Holiness, that, *as he loved the honour of the church, and the weal of the French kingdom, he should maintain Thomas archbishop of Canterbury, and his cause, in all points, against the tyrant of England.* Becket was confirmed, by these encouragements, in his desire and intention of going into France. But while he was yet in the abbey of St. Bertin, Richard de Lucy, who had been sent not long before, on some secret commission, to the earl of Flanders, returned to England by St. Omers, and hearing that Becket was there went and made him a visit. How it happened that the archbishop, who had fled from the sight of the English ambassadors, when he first came to St Omers, took now so little care to avoid the notice and presence of the Great-justiciary of England, who of all his council was the most devoted to Henry, we are not told. But it is said, that in their conference Richard tried to persuade him to go back to England, offering himself to conduct him, and be a mediator and intercessor with the king for his pardon, which he thought might be obtained by such an act of submission. The archbishop answered, *that the temper of the king was implacable when he was thoroughly angered.* The justiciary, finding him absolutely determined to persist in the part he had taken, expressed a proper indignation at his obstinacy, and left him. It was indeed most improbable that this visit should conclude in any other manner.

Presently after the departure of Richard de

E e 2

Lucy

A. D. 1164.
Heribertus
in Hist.
Quadrip. c.
10. l. ii

Lucy, Becket went from St. Omers; and, whether he really apprehended some danger to his person, or only did it to conceal the secret intelligence he had with the earl of Flanders, he chose to travel by night, and under the conduct of some soldiers procured from his friends, the abbot of St. Bertin, and the bishop of Tournay, till he had got out of the Flemish territories into the French. On his arrival in the latter he was joined by some of his clergy, who, from attachment to his person, or zeal for his cause, desired to follow his fortunes.

V. Francisci
Pagi brevi-
ar. pontif.
Rom. sub
ann 1164.
& Baronium
sub eodem
anno.

During the spring of this year, eleven hundred and sixty four, the Antipope Victor had died at Lucca; but another, who took the name of Paschal the Third, being elected soon afterwards, by the party of that pontiff, the schism remained unsubdued; and seemed, in the whole extent of the imperial dominions, to draw a new spirit, and an augmentation of vigour from it's new head. Becket therefore had great reason to dread the impressions that might be made upon Alexander by Henry's ambassadors, in circumstances which rendered the friendship of their master so necessary to him; and it appears from some letters, that the nearest friends of that prelate were very apprehensive of his being sacrificed by the pope to the necessity of the times. Henry indeed, on the first intelligence of Victor's decease, had renewed his assurances of adhering to Alexander; which, one would think, in good policy he should not have done; as he might have found an advantage, in his disputes with the church, from leaving that pontiff more doubtful, with regard to his resolutions, at such a crisis. But, by a letter sent to Becket soon after that event, this hasty proceeding may be accounted for, and in some measure justified. We are there told, that when the news of the antipopes's death

V. Epist. 7.
23, 24. l. i.

V. Epist. 7.
l. i.

death came into France, it was imagined by some A. D. 1164. there, that the emperor himself would put an end to the schism, by submitting to Alexander; and that this conjecture was much strengthened by other accounts, received about the same time, of a disposition in some of the cities of Italy to revolt from that prince, who was dangerously ill of a fever. Henry therefore might fear, that, if he did not make haste to declare for Alexander, instead, of terrifying that pontiff, he should hurt his own interests. But the election of Paschal, the recovery of the emperor, and some advantages gained by their adherents in Tuscany, quite changed the scene; and Becket was informed by another V. Epist. 23.
l. i. letter from one of his agents at Sens, before the proceedings against him at Northampton, that Alexander himself and all his cardinals were full of uneasiness, on account of the long stay, which John Cummins, whom Henry had sent to the emperor, made in the court of that prince; and because, for some time, no minister from the king had come to Sens; which, with other concurrent circumstances, had alarmed them so much, that they were by no means disposed to offend any potentate, but least of all the king of England. Affairs had remained in much the same situation from that time to this: so that Henry was now very confident in the hope suggested to him by those bishops who had most of his confidence, that Alexander might prefer his own personal interests to those of his see. And if the king of France had been only neutral between him and Becket, this confidence, probably, would not have been disappointed. But his weight turned the scale in favour of the primate. Before the ambassadors from the king of England were heard, Alexander had received the message from Louis, of which an account has been given, and had admitted the agents of Becket to an audience. They began by saying, “ They were sent to acquaint his

A. D. 1164. "Holiness, *that Joseph, his son, was still living,*
 Alanus in "but no longer bore rule in the land of *Ægypt, having*
 Hist. Quadripartitâ, "been, on the contrary, oppressed, and almost de-
 l. ii. c. 8. "stroyed, by the *Ægyptians.*" After which they related to him, in the same style of the scripture, the perils his son had gone through, *when he fought with beasts at Northampton, his perils among false brethren, perils in his flight, perils upon the road, perils at sea, perils even in the port:* upon the whole they represented him as another St. Paul. At which, says one of the monks who wrote his life, the father of all fathers was so much moved, that he burst into tears.

Alanus, ut
 supra.

The next day, a consistory being called for that purpose, audience was given to the English embassadors. The persons sent on this important business were the archbishop of York, the bishops of London, of Worcester, of Exeter, and of Chichester, with three of the king's chaplains; and the earl of Arundel, with three more of the temporal barons, who were all men of great dignity in Henry's court. The bishop of London began, and, in a Latin oration, (which, with the others here following, I give upon the report of one who was present) "set forth the necessity, that the apostolical see
 "should employ its authority to reclaim that man
 "to true wisdom, who, being wise in his own conceit, had disturbed the concord of his brethren,
 "the peace of the church, and the piety of the king."
 "He said, "That a dissension between the king
 "and the priesthood had lately arisen in England,
 "on a point of small importance, which might
 "have been extinguished more easily, if moderate
 "remedies had been used: but my Lord of Canterbury following his own singular notions, and
 "not the advice of his brethren, proceeded too
 "eagerly, not considering the malice of the times,
 "and what mischief his violence might produce:
 "so that he had woven a snare for himself and his
 "brethren;

“ brethren ; and, if their consent had abetted him
 “ in his purpose, the business would undoubtedly
 “ have had a worse end. But, because they would
 “ not concur, or acquiesce in a conduct so con-
 “ trary to their duty, he sought to turn the blame
 “ of his own rashness upon them, nay, upon
 “ the king, and the whole nation, in order to
 “ blemish whose fame, he had fled out of the king-
 “ dom, no man offering him any violence, none
 “ even threatening him : according as it is written :
 “ *the wicked flies when no man pursues.*” At these
 words his Holiness interrupting him, said, “ Bro-
 “ ther, forbear.” The bishop answered, My
 Lord, I will forbear. “ I bid you forbear, re-
 “ plied the pope, not out of regard to his cha-
 “ racter, but to your own.” At which reprimand
 being abashed he said no more. Nevertheless the
 bishop of Chichester, vain of his eloquence, for
 which he was famous, ventured to inveigh, in a
 rhetorical style, against the immoderate presump-
 tion of Becket, and remonstrated to the pope the
 danger attending it, of producing a schism in the
 church, and other grievous disorders. But, while
 he was indulging his oratory out of season, he
 happened to speak a word of false Latin, and repeat
 it once or twice ; which drew upon him the laugh-
 ter of the whole assembly : whereby he was so
 confounded, that he stopped short, and remained
 silent. The archbishop of York, observing how ill
 his brethren had succeeded, spoke more concisely,
 and more discreetly of Becket, saying only,
 “ That he had known him, by long and close ob-
 “ servation, even from the time of his first setting
 “ out in the world, to be a man of great obstinacy
 “ in whatever opinion he had once entertained ;
 “ and that having too lightly engaged in this dis-
 “ pute (as he was apt to be hasty in his determi-
 “ nations) he could by no means be set right, un-
 “ less his Holiness would apply his own hand to

A. D. 1164. " the work, and let it be felt pretty roughly." The bishop of Exeter said, " There was no need of
 " a long discourse : the cause could not be de-
 " termined in the absence of the archbishop of
 " Canterbury : therefore they desired that legates
 " might be appointed to hear and decide it."

V. Alanum
 in vita Beck.
 Se also Ger-
 vase.

The bishops after this continuing silent some time, the earl of Arundel desired to be heard, and in the English language spoke thus, " Of what the
 " bishops have said we illiterate laymen are en-
 " tirely ignorant, but must, as well as we can,
 " perform the commission with which we are en-
 " trusted. Nor do we come hither to dispute, or
 " to throw out reproaches against any man, espe-
 " cially in the presence of so great a person, to
 " whose nod and authority all the world does
 " and ought to submit. But for this we cer-
 " tainly come, to lay before you, holy father,
 " and the whole church of Rome, the devotion
 " and love which the king our master has always
 " borne to you and still bears. By whom is this
 " done? by the greatest and noblest of all his
 " subjects, by archbishops, bishops, earls, and ba-
 " rons. Higher than these he could find none in
 " his kingdom? for if he could have found any,
 " he would have sent them, to shew his reverence
 " to you, holy father, and to the sacred Roman
 " church. You have yourself experienced suffi-
 " ciently, upon your first exaltation to the ponti-
 " ficate, the fidelity and devotion of our royal
 " master, when he entirely submitted to your
 " authority himself and his realm. Nor is there
 " in Christendom any prince more pious than he,
 " or who more desires to maintain the peace of
 " the church by a moderate use of his royal au-
 " thority. Nevertheless My Lord Archbishop is
 " also in his own order and degree as well in-
 " structed, and in things that belong to his office
 " as discreet and prudent; though to some per-
 " sons

“ sons he may seem too sharp and severe. And ^{λ. D. 1164.}
 “ were it not for the present unfortunate difference
 “ between the king and him, the state and the
 “ church would be mutually happy in union and
 “ tranquillity, under so good a prince, and so ex-
 “ cellent a pastor. It is therefore our earnest re-
 “ quest, that you would apply your gracious en-
 “ deavours to compose this difference, and bring
 “ about a renewal of concord and affection.”

This speech, being more suitable to the temper of the assembly in which it was spoken, was thought to deserve a more favourable answer than had been vouchsafed to any of the bishops. The pope therefore said, that he well knew, and preserved in remembrance, with what devotion the king of England had conferred many and great obligations upon him; which, when a proper opportunity offered, he desired from his soul to return, in a most grateful manner, so far as might be consistent with his duty to God. Upon which all the ambassadors desiring most earnestly, that he would send the archbishop back to England, and nominate legates to judge him there, he consulted with the cardinals what answer to make; many of whom were of opinion, that he should grant the king's request, for fear of driving him to the antipope; but others opposed it, and he determined not to yield to it in the manner desired. However, that he might keep some measures with the king, he told the ambassadors, that, as they had asked for legates, legates they should have. Whereupon the bishop of London, kissed his foot, and desired to know with what powers those legates would be sent. With the proper powers, answered he. Yes, returned the bishop, but we desire they may decide this cause without appeal. “ *That*, said the pope, *is my glory, which I will not give to another.* And certainly, when
 “ the archbishop of Canterbury is judged, it shall
 “ be

A. D. 1164. “ be by ourselves; for no reason allows that we
 “ should remand him back into England, to be
 “ judged by his adversaries, and in the midst of
 “ his enemies.” He added, that they should wait
 for the arrival of that prelate, who soon would
 be there, and in whose absence nothing concern-
 ing him could be justly determined.

Hoveden, sub ann. 1164. The reason given in one of the contemporary
 historians, why Alexander refused to send legates
 into England, for the final decision of this contro-
 versy, is, “ that he knew King Henry was mighty
 “ in word and deed, and that the legates might
 “ be corrupted, as loving money more than jus-
 “ tice.” Another affirms, that, by the advice
 of a prelate, to whom the dispositions of that
 court were well known, the embassadors had car-
 ried with them a large sum of money, as a re-
 quisite most essential to the success of their bu-
 siness. If this be true, it will account for the

Heribertus in Hist. Quadrip. l. ii. c. 1. affected moderation, with which the earl of Arun-
 del spoke in his publick audience. For trusting
 to the secret influence of bribes and corruption he
 might think that an open accusation of the pri-
 mate, or angry invectives against him, would ra-
 ther be likely to obstruct than serve his purpose.
 Otherwise it is certain that he expressed himself
 much too tenderly concerning that prelate, and as
 if he had only desired that Alexander should me-
 diate a reconciliation between Henry and him;
 which was very different from the errand on
 which he was sent. But though it is probable he
 meant to do his business, rather by gaining than
 convincing the sacred college, this method proved
 as ineffectual as reason or argument: for the in-
 terests of the papacy were so closely interwoven
 with those of Becket, and Alexander was so afraid
 to offend the king of France, who had made him-
 self a party in the archbishop's cause, that nothing
 could induce him to comply with Henry's desires.

When

When the earl of Arundel found that the soothing arts he had used were of no service to his master, he changed his tone, and talked a language more suitable to the dignity of the character in which he appeared, intimating that the king might, by this ill treatment, be provoked to join with the antipope : but Alexander still remaining inflexible, he and his colleagues departed, without receiving or asking the benediction of that pontiff.

In the mean time Becket came to Soissons, and Louis, heated with the idea of his suffering for the church, made a visit to him there. During his abode in that city, which continued some days, the insinuating prelate entirely possessed himself of his affections ; and his mind, from this time forwards, was so exasperated against Henry, that he quite forgot the great service lately done him by that prince, in marching to his succour against the emperor, and took every opportunity of doing him mischief to the utmost of his power. These impressions being made, and the archbishop having obtained a liberal maintenance for himself and his followers at the expence of the king, he left Soissons and went to Sens, where he was coolly received by the cardinals, but kindly by Alexander, who appointed the next morning to give him a publick audience, on the reasons which had induced him to abandon his see, and seek a refuge out of England. The cardinals being accordingly assembled together, he was called in, and seated at the right hand of the pope, who commanded him to plead his cause before them ; whereupon he rose up, but was ordered by his Holiness to sit down again, and speak sitting ; which greatly encouraging him, he confidently set forth, “ how meritorious to Rome, and how much
“ against his own interest his conduct had been ;
“ since there was not a single man in the kingdom of England who would have refused obe-
“ dience

A. D. 1164.

Hist. Quad.
c. 10, 11.
l. ii.

A. D. 1164. “ dience to him, if he would have complied in all
 “ points with the will of the king; and while
 “ he served on those terms every thing prospered
 “ with him according to his wish; but when he
 “ changed his course, out of regard to his sacred
 “ profession, and duty to God, the king’s affec-
 “ tion for him immediately began to cool. Yet
 “ even now, if he would entirely submit to that
 “ prince in all his purposes, he should want no
 “ intercession to recover his favour. But seeing
 “ that the church of Canterbury, which had been
 “ in times past *the western sun*, was now obscured
 “ in it’s brightness, he chose rather to endure a
 “ thousand deaths, than dissemble the evils it
 “ suffered. And lest he should seem to have un-
 “ necessarily, or out of vain glory, engaged in this
 “ dispute, he thought it best to satisfy all the
 “ assembly there present by ocular demonstration.”
 Then producing to them the writing, in which
 were contained the constitutions of Clarendon, he
 said, with tears, “ See here, what laws the king
 “ of England has ordained against the liberty of the
 “ church! Be judges yourselves, whether without
 “ the perdition of my soul I could possibly con-
 “ nive at such matters as these!” The constitu-
 tions were read, and saved him the trouble of en-
 tering into any justification of the other parts of
 his conduct. It was the opinion of the whole
 assembly, *that in the person of the archbishop of Can-
 terbury the catholick church should be succoured*; and
 the pope proceeded, in the same consistory, sever-
 rally to examine the articles contained in that
 writing, of which he *tolerated six, not as good, but less
 evil*; and absolutely condemned the ten which
 have before been recited. Those he *tolerated* were
 as follows.

- I. Churches belonging to the see of our lord
 the

the king cannot be given away in perpetuity, without the consent and grant of the king. A. D. 1164.

2. Laymen ought not to be accused unless by certain and legal accusers and witnesses, in presence of the bishop; so as that the archdeacon may not lose his right, nor any thing which should thereby accrue to him: and if the offending persons be such as that none will or dare accuse them, the sheriff, being thereto required by the bishop, shall swear twelve lawful men of the vicinage, or town, before the bishop, to declare the truth, according to their conscience.

3. Archbishops, bishops, and all dignified clergymen who hold of the king in chief, have their possessions from the king as a barony, and answer thereupon to the king's justices and officers, and follow and perform all royal customs and rights, and, like other barons, ought to be present at the trials of the king's court with the barons, till the judgement proceeds to loss of members or death.

4. If any nobleman of the realm shall forcibly resist the archbishop, bishop, or archdeacon, in doing justice upon him or his, the king ought to bring them to justice; and if any shall forcibly resist the king in his judicature, the archbishops, bishops, and archdeacons, ought to bring him to justice, that he may make satisfaction to our lord the king.

5. The chattels of those who are under forfeiture to the king ought not to be detained in any church, or church-yard, against the king's justice; because they belong to the king, whether they are found within churches or without.

6. The sons of villeins ought not to be ordained without

A. D. 1164 without the consent of their lords, in whose lands they are known to have been born.

That the pope and his consistory should thus sit in judgement upon the laws and statutes of England was a most insolent violation of the independence, the freedom, and the dignity of the crown; and the abetting of such an act was without question highly criminal in a subject of that kingdom. But Becket knew that this crime would be there reputed a virtue, the merit of which would atone for any failing or offence in other parts of his conduct. Nevertheless there was one circumstance, from whence he apprehended advantage might be taken to induce the see of Rome, even by the authority of the canons, to consent to depose him; I mean, the violation of the liberty of the church, by the compulsive methods used to obtain his election to the archbishoprick of Canterbury, which it would have been easy for his adversaries to prove against him. Conscious of this he thought it necessary to guard himself as effectually, and as speedily as he could, against that danger. On the following day, the pope and the cardinals being in a more private room, he came to them, and accosted them in the following words: "My fathers and
 " lords, it is unlawful to speak untruly any where,
 " but more especially before God, and in your
 " presence: wherefore with tears I confess, that
 " my miserable offence brought all these troubles
 " upon the church of England. I ascended into
 " the fold of Christ, not by the true door, not
 " having been called by a canonical election, but
 " obtruded into it by the terror of secular power.
 " And though I undertook this charge unwilling-
 " ly, yet was I induced to it, not by the will of
 " God, but of man. What wonder then, if it
 " has prospered so ill with me? Yet, if, through
 " fear of the menaces of the king, I had given it
 " up

Alanus in
 Quadrilogo,
 c. 12. l. ii.

“ up at his desire, (as my brethren the bishops A. D. 1164.
 “ would fain have persuaded me to do) I should
 “ have left a pernicious example to the catholick
 “ church: for which reason I deferred it till I
 “ could come into your presence. But now, ac-
 “ knowledging that my entrance was not canon-
 “ cal, and fearing from thence a worse exit; per-
 “ ceiving also my strength unequal to the burthen;
 “ lest I should ruin the flock, whose unworthy pas-
 “ tor I am made, into your hands, O father, I re-
 “ sign the archbishoprick of Canterbury.” Then
 taking off his ring, he gave it to the pope, and
 desired him to provide a proper pastor for the
 church which he thus left vacant. Nothing could
 be more artful than this method of proceeding! By
 deposing himself in this manner he corrected all
 the faults, that could be alledged by his enemies
 to make void his election, and was very sure that
 the pope, into whose hands he so humbly resigned
 the archbishoprick, would restore it to him again,
 and confirm him therein; after which his posses-
 sion of it would not only be free from all the for-
 mer objections, but must be defended by Alexan-
 der, for the sake of supporting his own immediate
 act, and the authority of his see. Accordingly,
 when he and his followers were withdrawn, and the
 matter was fully considered, only some few of the
 cardinals, whom Becket’s historians call *the Phari-
 sees*, gave their opinion for accepting his resigna-
 tion, and providing for, or rewarding him, in
 some other manner; as a means happily offered of
 satisfying the king: but the far greater number,
 and Alexander himself, expressed their apprehen-
 sions, “ that if he, who, in defence of the liberty
 “ of the church, had risked, not only his wealth
 “ and honours, but life itself, should be suffered
 “ to fall a sacrifice to the king, all other bishops
 “ would fall with him; nor, after such an exam-
 “ ple,

v. Hist Qua-
 dripartitam.

A. D. 1164. “ ple, would any one ever have courage to resist
 “ the will of his prince: and thus the state of the
 “ catholick church would be shaken, and the
 “ pope’s authority perish.” The conclusion was,
 “ that Becket should be restored to his see in de-
 “ spite of any opposition; and *that he who fought*
 “ *for them should by all means be assisted.*” The
 archbishop was acquainted with this determination
 in the most honourable and affectionate terms the
 pope could find, who concluded his speech by re-
 commending him to the abbot of Pontigni, a reli-
 gious house in Burgundy, that he might there be
 maintained during the time of his exile; saying,
 “ that he, who had hitherto lived in affluence and
 “ delights, should now be taught, by the instruc-
 “ tions of poverty, the mother of religion, to be
 “ the comforter of the poor when he returned to
 “ his see: wherefore he committed him over to one
 “ of *the poor of Christ*, from whom he was to re-
 “ ceive not a sumptuous, but simple entertainment,
 “ such as became a banished man, and a champion
 “ of Christ.” Being thus dismissed, he imme-
 diately retired into the convent assigned for his re-
 sidence: but when he was there he thought it pro-
 per to wear the habit, as well as to conform him-
 self to the life of a monk, and desired to receive
 one from his Holiness, who accordingly sent it with
 his blessing. The reason given for this by one of
 his followers is, that almost all the archbishops of
 Canterbury had been monks, and, when any of
 them was not of that profession, some misfortune
 had been observed to fall on the kingdom: but it
 may rather be supposed that he did it to encrease
 the opinion of his sanctity, and flatter the monks,
 who in England maintained his cause with much
 more affection than any of the secular clergy. It
 is very observable, that, notwithstanding the con-
 fession he had made to the pope and the cardinals,

Alanus in
 Quadrilogo,
 l. ii. c. 13.

in the manner here related, of his election to the see of Canterbury having been uncanonical, yet, in his answer to the letter which was soon afterwards written to him by all the bishops of England, he endeavoured to justify it from that imputation; denying *that any injury had been done therein to the church*; and affirming that it was *lawfully and quietly made, with the consent of all those who had a right to elect him*. So different were the publick professions of this man from his private declarations!

Upon the report made to Henry of the proceedings at Sens, that prince thought it necessary to exert his authority, with it's utmost terrors, against the rebellion of Becket, and to make Alexander himself, who so arrogantly abetted that rebellion, feel the effects of his anger. He therefore confiscated all the archbishop's estate, and sent an order to the bishop of every diocese to seize the revenues of any of the clergy who had followed him into France, or had otherwise acted in derogation to the honour and dignity of the crown, conjointly with him, or for his sake. All correspondence with him was declared to be criminal; and it was forbidden to pray for him publicly in churches, which some historians of those times have mentioned with horror, as the greatest of cruelties: but, if this restraint had not been laid on the intemperance of their zeal, the monks would have turned their very prayers to sedition. An order was likewise sent forth to stop Peter-pence from being paid to the pope. In all these acts of government nothing was done by the king, beyond what justice, and the obligation he was under to maintain the laws of his kingdom, demanded and authorised. But he did not stop here. For, about the beginning of the year eleven hundred and sixty five, he banished out of England, by a general sentence,

A. D. 1164

V. Epist.

127. l. i.

Hist. Quad.

l. ii. c. 14.

Gerv. Chro.

sub ann.

1165.

A. D. 1165.

V. Epist. 13.

15. l. i.

V. Epist. 79.

l. iii.

A. D. 1165. all the relations, friends, and dependants of Becket to the number of near four hundred persons, without distinction of sex or age; not excepting infants at the breast, if we may give credit to the words of Becket himself in several letters on that subject. Their lands and goods were confiscated; and the adult persons among them were compelled to take an oath, before they departed, that they would go to the archbishop, wheresoever he was; which was done in order to load him with the charge of their maintenance, and also to grieve him with a spectacle of the distress they endured on his account. Ld. Chief Justice Hale, in his history of the pleas of the crown, after giving some examples of the uncertainty of treasons at common law, during the early times of our government, makes this observation: "By these, and the like instances, that might be given, it appears, how uncertain and arbitrary the crime of treason was before the statute of 25 Ed. III. whereby it came to pass, that almost every offence, that was or seemed to be a breach of the faith and allegiance due to the king, was by construction and consequence and interpretation raised into the offence of high treason." Nor was the penalty better ascertained than the crime; but varied in different reigns. As to the practice of involving the innocent in the punishment of the guilty for certain offences, which appears to have prevailed in the days of Henry the Second, I shall have occasion to speak of it more fully hereafter; but will only observe in this place, that when Becket complained of it so bitterly, as we find he does, in his letters, the answer to him might have been, that, for much lighter offences against the royal dignity than he had committed, severities of this nature were supposed to be due from the justice of the kingdom: since he could not but know, that

See p. 82.
c. 11.

V. Epist. 126
e Cod. Cot-
ton. in App.

that one of the king's chief justiciaries, Richard A. D. 1165, de Lucy, had threatened the bishops of the province of Canterbury, that *all their relations*, together with themselves, should in like manner be banished, if they did not obey the royal mandate to elect him archbishop. There is great reason to believe that he himself was consenting to this terrible menace; and if he was, it precluded him from the right of complaining in this instance: but nothing can justify the proceeding itself: for that which is contrary to humanity and natural justice cannot be warranted by any authority of law or custom.

In excuse of the king it may perhaps be supposed, that the cruelty of extending the general sentence of banishment, against the relations and friends of Becket, even to women and infants at the breast, did not arise from the intention of Henry himself, but from the barbarous zeal of the officer who executed his orders; as it frequently happens, that, when kings are angry, the ministers of their anger are much more inhuman than they. Ranulph de Broc, who had the principal care of this business, was a man of a cruel nature; and Gervase of Canterbury, who describes him as such, Gerv. Chro. sub ann. 1165. seems to impute these barbarities chiefly to his hatred of the archbishop, whose enemy he had been for some time. But admitting that he went beyond his commission, and that Henry was induced to give him such a commission, by the practice of those days, yet they who advise that prince, under a notion of law or prerogative, to depart so much from the humanity of his own disposition, gave him bad counsel, and made him greatly dishonour the justice of the cause he maintained against Becket. There is a letter preserved among those of that prelate, without any name to it, but directed *to King Henry from one of his friends*, v. Epist. 48. l. i. by which it appears that the writer had represented

A. D. 1165. to him, with an honest freedom, the iniquity of proscribing so many innocent persons for the archbishop's offence, *especially as some of them were no way related to him in blood.* We also find that this remonstrance (which I imagine was made by the bishop of London) had been graciously heard by the king, who acknowledged the truth of it, and promised to act more favourably towards them; at the delay of which mercy his friend expressed surprize and uneasiness, imploring him to mitigate the severity of his edict, *as he had given his royal word so to do.* It would have been every way better for him, if other counsels had not finally prevailed over those of this wise and faithful monitor: for the innocent sufferers met with pity and kindness in their exile. Some of them, having been absolved, by the authority of the pope, from the oath they had taken to go to the archbishop, resided in Flanders, where they were supported very hospitably by the friends of that prelate. The king of France, the queen of Sicily, and many other persons of distinction, took care of the rest. So that the obstinacy of Becket was not conquered, nor his distress much augmented, but his malice was exasperated, and far better justified in the eyes of the world, by the cruelty of this unjust and unprofitable act.

Ibidem.

Hist. Quadr.
l. ii. c. 14.Chro Norm.
sub ann.
1165.
See also Perc
Daniel.

Things were now apparently tending to a rupture between the kings of France and England. The behaviour of Louis with relation to Becket was most offensive to Henry. And he had been greatly disgusted on another account. For the French monarch, in the year eleven hundred and sixty four, had married one of his daughters by Eleanor to his brother in law, the earl of Blois, and presently afterwards had invested him with the office of Seneschal, without any regard to the right of the earls of Anjou, to whom it belonged. The taking away an hereditary dignity from a family

mily with which he then was in peace, and giving^{A. D. 1165.} it to another, so nearly related to himself, was a most violent act of arbitrary power.

The empress Matilda apprehensive of her son's being engaged in a war with the king of France at this time, when a great insurrection was begun by the Welch, sought to make up their differences by the mediation of the pope, though she could not but know that there was need of a mediator between her son and that pontiff. He accepted of the office, and after some negociation prevailed on the two kings to have an interview at Gisors, in the Easter week of the year eleven hundred and sixty five. The first point of which they treated was the affair of Becket: and as Henry would not be persuaded to recede from his demand of an entire submission on the part of that haughty prelate, nor Louis from the assurance he had given him of protection, the discontent on each side continued very strong. Yet the conference did not end in open hostilities; Henry thinking it prudent to dissemble his resentment, in consideration of the unsettled state of his kingdom. As for the restitution of the office of Seneschal, which he justly demanded, it was not agreed to, nor absolutely refused, but left to a future decision. Perhaps he might think it of less consequence to him, in his present situation, to carry this point, than to sooth the earl of Blois, by permitting him to enjoy it, as a temporary benefit, without any departure from the maintenance of his own claim. A conference was also proposed between him and the pope, to which he consented, but conditionally, that Becket should not be present. The archbishop, hearing of this, entreated Alexander, by letters, not to agree to the interview on that condition; telling him, that, without an interpreter as skilful as he was in the king's language, his Holiness would be in danger of being deceived by the sub-

v. Johan.
Sarrif. epist.
31.

v. Hist.
Quadrip

A. D. 1165. tility of that prince. Whereupon the pontiff sent back this message to Henry, "that it had never
 " been heard of in any age, that the church of
 " Rome, at the command of any prince what-
 " soever, had driven any person out of her train;
 " especially one who was banished for the cause
 " of justice: but that *it was a privilege and au-*
 " *thority granted from above to the apostolical see, to*
 " *succour the exiled and the oppressed of all nations*
 " *against the rage of their sovereigns."* Having
 thus avoided a conference, which his sense of the
 obligations he had to Henry, and the bad return
 he was making, must have rendered extremely
 disagreeable to him, he set out for Rome, which
 was opened to him by the death of Victor, and
 a confederacy of many cities of Italy in his favour.
 Nor did Henry remain in France; but, as soon
 as he had secured himself against any immediate
 danger of a war in those parts, he hastened back
 to his kingdom, where his presence was now be-
 come very necessary. For not long after the
 peace he had concluded in South-Wales, with
 Rhees ap Gryffyth, that prince's nephew Eneon
 having been murdered in his bed, by a Welch-
 man of his own household, Rhees conceived
 a suspicion that the earl of Chepstow and
 Pembroke had procured the assassination, out of
 revenge for the hostilities committed against
 him the year before, or used this as a pretence
 for breaking the oath of fealty which he
 had taken to Henry by making an incursion
 into the lands of that earl. The attack being
 unexpected, he met with little resistance, and
 in a very short time recovered all Cardigan-
 shire, except the castle of Cardigan, then called
 Abertivy. I find no reason to believe that the
 earl was concerned in the murder of Eneon.
 The Welch were accustomed to assassinate one
 another, upon any quarrels among them, or the
 bare

See the
 WelchChron-
 icle under
 the year
 1163, 1164,
 1165, and
 Brompton's
 Chron. un-
 der the year
 1164.

bare suspicion of an injury : and it was very impro-^{A. D. 1165.}bable that this nobleman, who knew that his sovereign never pardoned a crime of that nature, should dare to commit it, at the hazard of exciting a rebellion in that country, which had so lately been pacified. But in reality the ambition of Rhees ap Gryffyth was the motive of this revolt. He could not behold the royal seat of his ancestors, their ancient palace of Dynevowr, in which he was suffered to reside, without reflecting that the kingdom, they had possessed for some ages, was usurped by foreign invaders. The very walls of it seemed to reproach him with a degenerate and servile submission : but above all, the high esteem and fond affection which his countrymen continued to shew him, called upon him, as he thought, to set them free : and he had a spirit always ready to answer that call, believing that on their liberty he should build his own greatness. Having therefore a fourth time drawn the sword against Henry, and with so prosperous a beginning, he carried his arms, from his new-acquired territories in the province of Cardigan, into that of Pembroke, attacked the Flemings settled there, and ravaged all their country ; from whence he returned to Dynevowr, with great spoils and much honour, about the end of the year eleven hundred and sixty four. During the winter he negotiated with all the other Welch princes. He reproached them with their cowardice and pusillanimity. He shewed them how favourable the conjuncture then was for an attempt to deliver themselves and their country from the oppression of foreigners ; dissensions in England between the church and state ; an archbishop of Canterbury exiled ; his cause supported equally by Rome and by France ; a great probability of a war between Louis and Henry, on that and other accounts. These instigations so enflamed

A. D. 1165. them, and they were so animated by the success which had attended his enterprises, that not only Owen Gwyneth and all his sons, but his brother Cadwallader, who had particular obligations to Henry, and the princes of Powisland, the sons and the nephew of Madoc ap Meredyth, on whose affection he most depended, now took up arms to regain their national independence.

V. Stephani.
nid. in vita
S. Thomæ.

See the
Welch
Chron. and
Brompton's
under the
year 1165.
Giral.

Cramb. Itiner. l. ii. c.
12.

Neubrig. l.
ii. c. 18.

Provision having been made for levying soldiers against Rhees ap Gryffyth in the parliament held at Northampton the year before, the king, upon his arrival in England from Normandy, found some forces assembled, with which he marched into Flintshire, where David, one of the sons of Owen Gwyneth, had made grievous devastations. The king was apprehensive that the Welch would besiege Ruthlan castle, and therefore hastened to succour it: but he found, when he came thither, that, after having ravaged the open country, they had passed, like a sudden tempest, and were retired, with their plunder, to the vale of Cluyd in Denbighshire: whereupon contented himself with strengthening the garrisons of all his castles in Flintshire, and then he returned into England, to augment his forces. For he knew how great a war he had to sustain, and how difficult he should find it to vanquish so courageous and so warlike a nation, now, when they were united, which they never had been since their first confederacy against William Rufus. That he might be able to oppose this formidable league, he not only raised an army of chosen men out of all his British territories, but brought over many troops from Normandy, Aquitaine, Anjou, Bretagne, and Flanders. With this combined force, the greatest that had ever been drawn together against Wales, by any king of England, he marched to Powisland, which he entered

entered at Oswestry, and there encamped for some time, waiting to see what effect the terror of his approach would have on his enemies, and whether some of their chiefs, particularly the princes of Powis-land, whose family had been long distinguished by their fidelity to the English, might not leave their confederates. But all were constant in the part they had taken; all were intrepid; all were actuated with an equal and ardent desire of recovering their country from the possession of strangers, and shaking off from their necks the dishonourable yoke of a foreign domination. The whole power of North-Wales was collected in great multitudes, under Owen Gwyneth and his brother Cadwallader; that of South-Wales under Rhees ap Gryffyth; that of Powis-land under Owen Cyveliock, and the five sons of Madoc ap Meredyth; to whom were joined the Welch inhabitants of the country situated between the Wye and the Severn, under two sons of Madoc ap Ednerth, who governed as much of it as was not possessed by the English, with some dependence upon the princes of Powis-land and South-Wales. All these assembled at Corwen in Edeyrneon, a part of Merionethshire according to the present division of Wales, but belonging at that time to Powis-land; and they composed such an army, as, aided by the natural strength of the country, was not inferior to that brought against them by Henry. When this monarch had intelligence of their being so near him, he advanced to the river Ceireoc, and, for fear of ambuscades, commanded the woods, that covered the banks on both sides of it, to be cut down. But, while this was executing, a body of the enemy, without any orders from their leaders, fell on his vanguard, in which he had posted all the flower of his army. A bloody action ensued: the Welch fought

A. D. 1165. fought bravely ; but Henry at last gained the pass, and came to the mountain of Berwin, one of the highest in Wales, at the foot of which he encamped. The Welch hung, like a dark cloud, at the top and on the sides of it, waiting an occasion to fight the king with advantage, who found it impracticable to attack them in the post they had taken, and was very uneasy in his own. For the flying parties of the enemy cut off his provisions ; and his soldiers, being afraid to stir from their camp, were soon distressed by a great scarcity both of victuals and forage. While he was consulting what measures he should take to force the Welch to a battle, there fell on a sudden such excessive and violent rains, followed by such inundations and torrents of water, pouring down from the mountains into the vale where he lay, that he was obliged to retire, and give over his design of maintaining himself in those parts, or driving the enemy from their station. But to punish them as much as lay in his power, he commanded the eyes of the hostages, they had formerly given him, to be now put out, in revenge of their violation of the faith they had plighted to him in his palace of Woodstock. Among these were two sons of Rhees ap Gryffyth, and two of Owen Gwyneth.

V. Dionys.

Halicarn. l.

vi. c. 3. Plu-

tarch de Vir-

tute Milita-

ri, p. 244.

c. ii.

V. Grotius

de Jure Belli

& Pacis, l.

ii. c. 21. l.

iii. c. 4. Puf-

endorf, l.

viii. c. 2.

The putting hostages to death in some cases has been thought agreeable to the law of nations ; and examples of it are found in the history of the Romans and other civilized people ; but the law of nature, and the mild dictates of the Christian religion, which are the best interpreters of that law, condemn and forbid it. Yet the usage of the times seemed to authorise Henry, and an unhappy necessity almost compelled him, to strike a terror, by this means, into the chiefs of the Welch ; that he might secure his own people, who were exposed to their inroads, from which no regard to their

their treaties or their oaths was able to restrain them, and in which they committed the most horrid barbarities. How averse he was to it we may judge from his forbearance in respect to the sons of Rhees ap Gryffyth, who had twice rebelled since the year eleven hundred and fifty seven, when their father had made them the pledges of his fidelity; but they had not suffered for his treason till this third insurrection, which was more unprovoked, and more pernicious to the English subjects in Wales, than either of the former. If the king had still spared them, the use of taking such hostages would have been lost for the future; and it was not easy to find any other securities, by which a nation so barbarous, and so prone to rebellion, could have been hindred from continually breaking the peace.

After some necessary refreshment had been given to his army, Henry resolved to revert to the plan of operations, upon which he had acted so successfully in the year eleven hundred and fifty seven, that is, to convey his troops by sea, and infest all the maritime parts of Wales, without attempting to penetrate into the heart of the country. With this view he went to Chester, and continued there some time, till all his navy, and some ships that he hired from Ireland, were brought together on that coast. But on a sudden, in the midst of these preparations, he broke up his camp, and discharged both army and fleet. It may be presumed, that an apprehension of some rebellion breaking out in his foreign dominions, or of some attack being intended against those countries, while he should be embarrassed with this war, was the cause of such a precipitate alteration of his measures, for which no reason is assigned by the contemporary historians. This fear may have been founded upon a secret intelligence he then received,

and

Dr. Powe's
Welsh
chron. under
the year
1166.

A. D. 1165. and which was never made publick. It was certainly no light matter, that could prevail upon him thus to leave his dominions in Wales exposed to the fury of the insulting and exasperated Welch. The consequences of it were pernicious to his reputation and interest. For Rhees ap Gryffyth laid siege to the castle of Abertivy, and took it; by which having completed his conquest of Cardiganshire, he turned his arms against Pembrokehire, then called Dyvet by the Welch, and made himself master of the fortress of Cilgerran, one of the best in all Wales, which the English and Flemings, who belonged to that province, twice endeavoured to recover, but failed in their attempts. And, not long afterwards, the castle of Basingweark was taken and demolished by the army of North-Wales under Owen Gwyneth. The bad success of this war appears to have been a matter of great triumph to Becket: for, in a letter he wrote to the bishop of Hereford about the end of this year, after reminding that prelate of the injuries he had suffered, *when in his person Christ was again judged before the tribunal of a prince*, he threatened the king with the severest judgements of God for these offences, and insultingly asked, with expressions borrowed from the scriptures, “ *Where are now his wise men! Let them come forth, and declare to him what the Lord of hosts has thought concerning England. His wise men are become fools: the Lord has sent among them a spirit of giddiness; they have made England reel and stagger like a drunken man!*”

D. Powell's
Welch
chron under
the year
1166.

V. Epist. 40.
l. i.

Diceto
imag hist.
Feb ann,
1165.

Besides these losses in Wales, fortune had now given another mortification to Henry. The agreeable hope that the princess, whom his eldest son had married, might happen to inherit her father's crown, which had long amused his ambition

bition for the aggrandisement of his family, was defeated this year by the birth of a son to the king and queen of France. How much uneasiness had been felt by Louis himself, from the apprehensions of a disputed succession in his kingdom, before this event, we have a remarkable proof in a letter written to Becket, while that prelate was still in England, by John of Salisbury, his agent at the French court. He there relates to him, among other particulars, which had passed in a secret audience he had obtained of the king, that this monarch being informed by him of the health of the young princess, his daughter, espoused to the prince of England, had made answer thereupon, *that he heartily wished the angels had already received her into paradise.* He replied, *that by God's mercy she would hereafter be there, but before that time she would make the happiness of many nations.* The king said, *that this was possible indeed to God; but it was far more likely that she would be the cause of many evils.* And, undoubtedly, if he had died without a son, her pretensions, and those of her husband in virtue of his marriage, might have occasioned a civil war in France; which probably would have ended in the settlement of the kingdom upon the house of Plantagenet: but, though the disappointment of this hope might be displeasing to Henry, it was happy for England; as the certain consequence of the two kingdoms being under one sovereign would have been the subjection of the interests, if not of the laws and government of this island, to those of France. Some compensation was given to him for the prospect he had lost, by a proposal of marriage now made to his eldest daughter Matilda, from Henry, Diceto imag
hist. sub ana
1165. named the Lion, duke of Saxony and Bavaria, to whom in the lustre of his family, and extent

A. D. 1165.
V. Epist. 24.
l. i.

A. D. 1165. tent of dominions, few kings were equal. On the side of his mother he could reckon six emperours among his progenitors, and by the male line he descended from the noble house of Este, one of the most ancient in Italy. Azzo the Fourth, a prince of that family, had come into Germany, about a hundred years before, and married the daughter of Guelph the Third, count of Ravensburg and of Altorff; by whom he had a son, who, upon the death of his uncle, in the year of our lord one thousand and fifty five, inherited all the territories belonging to those counties; and, about fifteen years afterwards, obtained the investiture of the dutchy of Bavaria from the emperor Henry the Fourth. The dutchy of Saxony was also acquired by a marriage, which Henry the Proud, great grandson to this prince, contracted with Gertrude, the only child of the emperor Lotharius the Second. Upon the decease of Lotharius, in the year eleven hundred and thirty eight, his son-in-law aspired to the imperial crown: but Conrade duke of Franconia being preferred to him, he was put under the ban of the empire, and forced to compound for the recovery of all his other dominions, confiscated in this contest, by yielding Bavaria to the Margrave of Austria. His son, Henry the Lion, recovered that dutchy, by a decree of the diet under the Emperor Frederick, in the year eleven hundred and fifty three; but not so entire as his father had possessed it. Nevertheless both that and Saxony were much more extensive in those days than at present; and besides these he had two dutchies, which no longer subsist, Westphalia, and Angaria; in the latter of which were contained the provinces of Brunswick and Luneburg. Great conquests had been likewise made by the valour of this prince, in the countries north of the Elbe, upon the Venedi, the Sclavi, and the Vandals, who, together with the religion, still retained

V. Annales
Paderb. &
Annales
Gori.

retained the martial spirit and fierceness of their ancestors. Many of these he drove out from the dutchy of Mecklenburgh, and repeopled the country with Saxons and other Christians: the rest he forced to submit to his government, or to that of the king of Denmark, whose arms he assisted. The renown he gained by these exploits were so widely diffused, that the Greek emperor, Emanuel Comnenus, sent him an embassy, to congratulate him upon them, and desire his alliance. As to his personal qualities, I find this character of him in Radevicus, a contemporary German historian, who, not being his subject, may be reasonably supposed to have given it impartially. “ He was endowed by nature (says that author) with a very agreeable countenance, a very strong body, and a much stronger mind. From his earliest youth, he did not give himself up, to be corrupted by sloth and luxury; but, conformably to the custom of the Saxons, employed all his time in exercises of chivalry, among the nobility of his own age; and, though he surpassed them all in glory, was yet beloved by them all. He contended with the bravest in valour, with the most modest in modesty, and with the most innocent in the integrity and sobriety of his manners, seeking rather to be than seem good. But the virtue he most excelled in was strict and severe justice; insomuch that he was a terror to all bad men, and most dear to the good, by the respect he caused to be paid to his laws.”

From the picture of him here drawn he appears to have been a prince of the first rank in merit, as well as power: yet, however desirable an alliance with him might be in all these respects, there was one objection against it of no small weight, namely, that he was considered, both by the English and French, as a schismatick, for taking part with the two antipopes, Victor and Paschal.

A. D. 1165. Paschal. It is probable that this circumstance would have prevented the king from agreeing to the match, if he had not been greatly incensed against Alexander, and desirous to procure to himself new alliances, which he might safely depend on, in case that his Holiness should be driven, by the violence of Becket, to further hostilities. But these motives induced him to accept the duke of Saxony's proposal with pleasure.

Diceto, sub ann. 1165. It was brought to him by ministers sent from the emperour, who was cousin-german to that prince; and they were ordered to propose, not only this marriage, but a confederacy between their master and the king. At the head of the embassy was the archbishop of Cologne, the emperour's favourite and principal minister. An ambassador of such dignity had never before been seen in England. He was therefore entertained with extraordinary honours. All the nobility went out in great pomp to receive him, except the earl of Leicester, who refused it, on account of the excommunication he had been laid under by Alexander, as a chief abettor of the schism. It seems strange that this lord, should thus alone, and in opposition to all the other peers, offend the king, and the royal family, in so tender a point. There is not the least intimation, either in the history of those times, or the epistles preserved to us, that he had been soured against Henry by any act of that monarch. This singularity must have been therefore the effect of a conscientious regard to religion: and from hence it may, perhaps, be not unjustly inferred, that he would not have taken a leading part in the proceedings against Becket, if he had not thought them agreeable both to the law of the land and the law of God. It may be presumed that he disapproved both of the match with the duke of Saxony and the confederacy with the emperour: but it does not appear that he opposed them; or that any one of the prelates objected against them. On the contrary, we find, that not only the young princess was betrothed to the duke, and the league with Frederick agreed to, without contradiction, but soon after

after the return of the archbishop of Cologne the following letter was sent to that prelate by the king.

A. D. 1165.
V. Epist. 69.
l. i.

“ I have long wished that some just occasion might
 “ be given me to leave the party of Pope Alexan-
 “ der and his perfidious cardinals, who presume to
 “ maintain that traitor, Thomas, some time arch-
 “ bishop of Canterbury, against me. Wherefore *by*
 “ *the advice of all my barons, and with the consent of my*
 “ *clergy*, I now intend to send to Rome some prin-
 “ cipal men of my kingdom, namely the archbi-
 “ shop of York, the bishop of London, the arch-
 “ deacon of Poitiers, Richard de Lucy, and John of
 “ Oxford, who publickly and manifestly, in behalf
 “ of myself and the whole kingdom of England,
 “ and of all the other territories under my govern-
 “ ment, shall propound and denounce to Pope
 “ Alexander and his cardinals, that I expect they
 “ shall no longer support that traitor, but so rid
 “ me of him, as that I may, with the advice of
 “ my clergy, establish another in the church of
 “ Canterbury; and shall further require that they
 “ revoke and annul whatsoever he has done. This
 “ also shall they demand, that, in their presence,
 “ the pope shall cause an oath to be publickly
 “ taken, that he himself and his successors shall
 “ for ever maintain (as far as in them lies) to me
 “ and all my successors, the royal customs of my
 “ grandfather, Henry the First, unshaken and in-
 “ violate. But if it shall so happen that they re-
 “ fuse any one of my demands, then neither I, nor
 “ my clergy, will any longer pay any obedience
 “ to Alexander; nay, we will openly oppose him
 “ and all his adherents: and whosoever in my do-
 “ minions is found to persist in a wilful adherence
 “ to his party shall be driven into banishment.
 “ We therefore entreat you, as our dearest friend,
 “ that you will not fail to send us speedily brother
 “ Ernold, or brother Radolph, of the order of the
 “ knights hospitallers, who, on the part of the
 “ emperour and yourself, may give my embassa-

A. D. 1165. “dors a safe conduct, to go and return through
“the emperour’s territories.”

That Henry should thus, *by the advice of all his barons, and with the consent of his clergy*, declare a resolution so contrary to all their former proceedings, with regard to the election of Alexander, is very surprising. It seems to shew, that the whole nobility, and a majority even of the clergy in England, thought the acknowledgement of a pope rather a matter of policy, than of right or religion, and believed, that they were at liberty to withdraw their obedience, if he, whom they had acknowledged, presumed to oppose the customs of the kingdom. But how these notions could agree with that veneration for the papacy, or that abhorrence of schism, which in other instances they professed, and testified by their conduct, it is not easy to discover.

V. Baronii
annales.
Francisci
Pagi Brevi.
pont.
Roman.

Epist. S.
Thom. l. i.
epist. 70, 71.

Of the five ambassadors named in the king’s letter here recited two only were sent, namely Richard of Ivelchester, archdeacon of Poitiers; and John of Oxford. They found at Wurzburg (or Wittenburge) a diet assembled for the more solemn acknowledgement of Gudio de Crema, who was called by his adherents Pope Paschal the Third. The emperour himself, and, after him, all the princes and bishops there present, swore to obey the said Paschal, and never to acknowledge Orlando, called Alexander, or any successor elected by those of his faction. It was also decreed, that whosoever should afterwards succeed to the empire, should bind himself by an oath to support the imperial dignity, and adhere to the engagements that were taken in this diet. Lastly, it was enjoined, that, within six days after the dissolution of the council, the same oaths should be tendered to all orders and ranks of men throughout the whole empire; which whosoever refused was to be deemed a publick enemy. Towards the end of these

these proceedings Richard of Ivelcheſter and John ^{A. D. 1165} of Oxford arrived at Wurſburg; and (if we may ^{V. Epist. S. Thomæ, 70.} believe the emperour's letters patent, ſoon after- ^{71. l. i.} wards publiſhed) did there, in the name of their maſter, take an oath, upon the reliques of ſaints, *that the king of England and his whole kingdom would faithfully adhere to the emperour's party, and conſtantly acknowledge the pope whom he had acknowledged, without doing any thing further to ſupport the ſchiſmatick Orlando.* But, though in theſe letters we find no mention made of any condition having been annexed to the oath, there is reaſon to think that the embaſſadors took it conditionally, in caſe that Alexander ſhould reſuſe to give the king ſatisfaction with relation to Becket. For ſo the letter to the archbiſhop of Cologne explains his intention. We have alſo a letter from the arch- ^{V. Epist. S. Thomæ, 102} biſhop of Rouen, in which that prelate moſt ſo- ^{l. i.} lemnly aſſures the pope, *that neither by himſelf, nor by his embaſſadors, had the king given any oath or promiſe to the emperour, that he would acknowledge the antipope.* Yet this expreſſion, I preſume, muſt be underſtood to mean only, that no *unconditional* oath or promiſe had been given. For the biſhop of London, in a letter to Alexander, which he ^{Epist. 38. l. i.} wrote to vindicate Henry againſt this charge, ſeems no otherwiſe to deny it. “ The king (he ſays) “ aſſerted, that he had not withdrawn his regard “ from that pontiff, nor ever purpoſed to do it : “ but, *ſo long as his Holineſs would act towards* “ *him with a paternal affection,* he would love him “ as a father, and obey his injunctions, *ſaving his* “ *own royal dignity, and that of his kingdom.* The ſame conditions are expreſſed in a letter written ^{Epist. 41. l. ii.} by the king to the college of cardinals, as an anſwer to ſome complaints the pope had made on this ſubject. He there aſſures them, “ that it “ was his moſt hearty deſire to perſevere in the in- “ tegrity of love to that pontiff, if *his Holineſs*

A. D. 1164. “ *in return, maintain to him and his kingdom the same honour and dignity, as holy and venerable popes of Rome had maintained to his predecessors.*”

It is a very wonderful thing, that the emperor's letters patent, published to the whole empire, should represent an engagement as absolute, which was only conditional, and dependant on a contingency which might never happen ! But it is still more unaccountable, that Henry's ministers should have so exceeded their orders, as to have absolutely engaged him, without his consent, in an act of such importance ; or that, if they had done so he should not have punished them, on their return to England : whereas it appears, that they continued to enjoy his favour and confidence. Perhaps they had acted upon secret instructions, which he thought proper to deny to all but themselves. However this may have been, it is sufficiently evident, that his honour suffered very much from this transaction. For he did not frighten Alexander into any compliance with his demands ; nor yet did he quit him, upon their being rejected ; as, by his letter to the archbishop of Cologne, he had promised to do. It does not even appear that he ever proposed to that pontiff the oath mentioned therein : nor did his ambassadors go from Wurtsburg to Rome. This variation in the purposes and conduct of a prince, whose mind was naturally steady, must unquestionably have been owing to some secret cause, which is hidden from us by our ignorance of the anecdotes of those times,

Neubrigen-
sis, l. ii. c.
13.
Diceto imag
hist. subann.
1166.

About the beginning of the year eleven hundred and sixty six a synod was held at Oxford, in the presence of Henry, for the examination of some German men and women, about thirty in number, who four or five years before had come over into England from some part of the lower Germany, either to shun a persecution, or to propagate their opinions, which differed from those of the established

blished religion. At the head of them was one Gerard, to whose guidance they implicitly submitted their minds; he having some learning; whereas they all were illiterate and ignorant rusticks. For some time after their landing, as their manners were perfectly innocent, and they were cautious of any publick declaration of their tenets, no notice was taken of them by the clergy or government. They gained but one proselyte, who was a woman of low rank; yet this gave an alarm, and some enquiring more curiously into their doctrines, they were taken up, and imprisoned, while the king was abroad. Being now in England, and at leisure to consider this affair, he would neither dismiss nor punish them unexamined. A synod of bishops was therefore convened by him at Oxford, before which they were brought; and being ordered to make a solemn profession of their faith, they answered by Gerard, their teacher, who took upon himself to speak for them, *that they were Christians, and venerated the doctrines of the apostles.* But when they were examined particularly upon the several articles of faith, they answered (says William of Newbury) perversely and erroneously concerning the sacraments, speaking with detestation of baptism, of the eucharist, and of marriage. When they were pressed with texts of scripture in opposition to these notions, they said, *they believed as they were taught, but would not dispute about their faith.* Being admonished to repent, and return to the body of the church, they received those exhortations with a determined contempt. When they were threatened with punishment, they smiled, and answered, *Blessed are they who suffer persecution for righteousness' sake; for their's is the kingdom of heaven.* The bishops therefore condemned them as obstinate hereticks, and delivered them over to the king for corporal punishment. Henry had no rule, in the practice or laws of his kingdom, to direct

A. D. 1166. rect him in the manner of punishing such offen-
 L. ii. c. 13. ders. For William of Newbury well observes,
 that no heresy had ever arisen in England, or been
 brought into it from abroad, since the expulsion of
 the Britons from that part of the island so called by
 Ibid. c. 15. the Saxons. But against the Albigenes, (of which
 sect the abovementioned historian supposes these to
 have been) the council of Tours had made a canon
 forbidding all persons, under pain of incurring the
 highest censures of the church, to harbour or pro-
 tect them, or to hold with them any intercourse of
 buying or selling, *that, by being deprived of all the*
comforts of human society, they might be compelled to
repent, and forsake their errors. Moreover, all ca-
 tholick princes were exhorted and enjoined by the
 council, to imprison any of them whom they dis-
 covered in their territories, and confiscate all their
 possessions. Henry, no doubt, was apprised of
 these canons by his bishops, and he acted conform-
 ably to that cruel spirit by which they were dicta-
 ted: a spirit very different from the humanity and
 benignity of his own nature. He did not indeed
 remand these persons back to prison, but he com-
 manded them all to be branded in the forehead
 with a hot iron, and then to be publicly whipt
 and expelled out of Oxford. He likewise forbid
 all his subjects to receive them in their houses, or
 give them any relief. Their teacher, as the most
 culpable, was distinguished from the rest by being
 branded in the chin as well as the forehead. When
 they were led to their punishment, they went joy-
 fully; their teacher going before them, and sing-
 ing these words of the gospel, *Blessed are ye, when*
men shall hate you. The sentence was executed with
 the most barbarous rigour. Their cloaths were cut
 off as low as to their wastes; their backs were torn
 with stripes, unmercifully inflicted; and they were
 turned out naked and bleeding into the open fields,
 in the midst of winter; the cold of which, and
 the

Neubrigenf.

l. ii. c. 13.

the want of all the necessaries of life, soon miserably killed them; none affording them any succour, or even shewing them any pity. But the English woman, whom they had persuaded to embrace their opinions, forsook them, for fear of the instant punishment, and escaped it: nor, till long afterwards, did any sectaries, who dissented from the established faith of the church, venture to come into England, lest they also should perish in the same lamentable manner as these unfortunate persons.

A learned author, who has lately investigated this matter with great accuracy and sagacity, believes that the heresy, with which Gerard and his disciples were infected, was that of the *Cathari*, or Puritans, a fanatical sect, who came from Greece into Italy, and were first discovered in the Milanese about the middle of the eleventh century, from whence they spread into France and many other countries, where they were called *Albigenses*, *Patarieni*, and *Publicans*. These have been very improperly confounded by historians with the Vaudois and Waldenses, who differed but little from the doctrines of the reformed churches in our days: whereas the *Cathari* were imbued with opinions destructive of true Christianity, if we can give any credit to the accounts that are delivered of their tenets by the best contemporary authors. But even the best must, in these points, be read with doubt and caution.

This affair being thus terminated, Henry went into France, where his presence was become necessary on many accounts. The first measures he took were to chastise some of his barons in the earldom of Maine, for having disobeyed the commands of Queen Eleanor, whom he had left regent there, as well as in Aquitaine, at his last return into England; and for having confederated themselves with some nobles of Bretagne, in what they

v. J. Conradus Fueslini Helvetotigurini Dissertatio de Fanaticis Seculo XI. in Italia detectis, & ejusdem epist. ad archiepisc. Cant. de Fanaticis Seculo XII. in Anglia repertis &c.

A. D. 1166

Chron. Nor.

A. D. 1166. called an association for their mutual defence, but, indeed, in a conspiracy against his authority. He did not wait till he felt the dangerous effects of this new-cemented league; but drew the sword first, and before they could receive an assistance from the Bretons, forced them all to surrender to him both their castles and persons. The seeds of sedition, which had been sown in that province, being thus crushed in good time, he next applied himself to compose the disorders, which had broken out in Bretagne. The baron de Fougères, who had been the chief instrument of Duke Conan's success in the civil war between him and his father-in-law Eudo, had now raised a very dangerous rebellion against him; which was easily done under the government of a weak and indolent prince, in a country where the nobility had been accustomed to maintain their power by faction, and their riches by plunder. Many barons joined with him, and he had flattered himself with an additional strength from the intended insurrection in the earldom of Maine: but his chief confidence was in Louis, who, by a promise of support, had excited him to take arms. It is very probable that Becket had opened the eyes of that monarch, and shewn him the error of his conduct, in having suffered the king of England to acquire for himself the city of Nantes with its earldom, and to give the rest of the dutchy of Bretagne to Conan. Upon the discovery of such a powerful combination against him, the duke was greatly intimidated, and seeing no means of defence, but in the friendship and assistance of Henry, concluded a treaty, which had been in agitation some time, for the contracting of his only child, the Princess Constantia, with Geoffrey, Henry's third son, and resigning to Henry, as trustee for that prince during the time of his infancy, the whole dutchy of Bretagne, except the earldom of Guingamp, which he reserved to support

Dicetoimag.
hist. sub ann.
1166.
Neubrigens.
1 ii. c. 18.
Chron. Nor.

port him in a state of retirement, more agreeable^{A. D. 1166} to his temper than a government exposed to perpetual troubles, and requiring abilities he was conscious were wanting in himself. To accelerate and secure the execution of a purpose so beneficial to his family, Henry led into Bretagne all the troops he could assemble, and began his operations by besieging the castle of Fougères, a place very well fortified, and provided with all necessaries for a long defence. The baron, having laid waste the^{V. Epist. 163. l. i.} whole country about it, upon the approach of the king, put himself at the head of a select body of horse, with which he cut off the small parties that the besieging army was obliged to send out to a distance, for provisions or forage; and by sudden incursions often harrassed the camp itself. This retarded the siege; and Henry, fearing that the difficulties of procuring subsistence for his forces would daily encrease, resolved to storm the castle. This determination was bravely executed; he took it sword in hand; the garrison were all made pri-^{Diceto. Neubrigenf. Chron. Nor.} soners of war; the castle was pillaged and demolished. So great a terror was struck into the minds of the other nobles, who had rebelled against Conan, by the heavy blow thus unexpectedly given to their chief, that immediately they all laid down their arms, and submitted to Henry, who pursuant to the agreement between him and Conan, took possession of the duchy in the name of his son, and received the homage of the vassals, as administrator and governour of Bretagne, till the young prince and Constantia should be capable of the government. They were not yet old enough to consummate their marriage: but such premature matches in the families of princes were authorised by the general practice of the times. A greater objection to this was the consanguinity of the parties; for they were cousins in the third degree; and therefore a papal dispensation was requisite to make

A. D. 1166. make the marriage canonical, which Henry hoped to obtain from Alexander, notwithstanding the diffension between him and that pontiff upon ecclesiastical matters. In the mean while he had the custody of the princess, as well as the administration of all her dominions.

This was the greatest acquisition that any king of England had ever made on the continent, except that of Normandy by Henry the First. It had been formerly divided into upper and lower Bretagne, under different earls, who, by the custom of Gavelkind, derived to them from the Britons, had equally shared the inheritance, at the death of Geoffry the First, husband to the great aunt of William the Conquerour. But Conan le Petit having inherited the upper Bretagne from his mother, the daughter of Conan le Gros, and the lower from his father, Alan le Sauvage, his daughter now succeeded to the whole dutchy reunited. This revolution, which committed the government of it to Henry in the minority of that princess,

V. Gemit-
cent. l. vii.
c. 34.
Ord. Vital.
l. iv. p. 544.

V. Neubrig.
l. ii. c. 18.

was of great advantage to the people. They had been grievously tyrannised over by the nobles; some of whom were so powerful, that, as they feared no chastisement, they disdained all subjection, and, for many years past, had so desolated their country with civil wars, or acts of cruelty and violence, that large tracts thereof were deserted. But Henry taught them to respect the authority of government and dread its justice. It is the peculiar glory of this prince, that wherever he gained dominion he drove out all tyranny! The Bretons knew this, and therefore sought his protection. Nor were they deceived in their hopes. He took from the nobles many castles they had accounted impregnable, or inaccessible to his arms. The most rebellious he compelled to leave the country; others he reduced to submission and obedience; so that, after a few years of his administration

tion in Bretagne, the whole land was repopled; A. D. 1166. and that legal and regular liberty, which he had established in his other territories, was imparted to these, which had so long been the seat of confusion and oppression.

But, while he was thus employed in the most beneficent and most laudable acts of royal virtue, humbling the proud, restraining the profligate, and protecting the feeble; Becket was busied in V. Epist. 64. writing to him letters of admonition and commina- 65, 66 l. 1

tion. In one of these he affirms, *that kings receive their power from the church*, and argues largely from this principle against the royal customs. In another he repeats some of the arguments used by Pope Paschal the Second to King Henry the First.

“Who doubts (says he) that the priests of Christ V. Epist. 65.

“are to be deemed the fathers and masters of l. i.

“kings and princes and all the faithful? Is it not

“acknowledged to be an instance of miserable

“madness, if a son should attempt to hold his fa-

“ther in subjection, or a disciple his master, and

“by unjust obligations reduce that person under

“his power, by whom he ought to believe that he

“may be bound or loosed, not only in earth, but

“in heaven.” He tells the king, “*It is written,*

“*that none ought ever to judge a priest but the*

“*church; and to pass sentence on such does not be-*

“*long to human laws: that Christian princes are ac-*

“*customed to obey the decrees of the church, not to set*

“*their own power above them; to bow their heads to*

“*bishops, not to judge bishops.*”

It is a sentence in the decretals of Gregory the V. 7th de-
Seventh, which Becket here quotes as *Scripture*; cret. dist. 96.

and the whole letter is full of similar doctrines, de-

livered with an authority, as if they had been the

word of God. All the others, which he sent to V. Epist. 64.

Henry at this time, were written in much the same 66. l.

style; and the purport of them was, (besides a ge-

neral exposition of his theological principles with

relation

A. D. 1166. relation to the controversy between him and the state) to demand a full restitution of whatever had been taken from his church, his friends, or himself, with leave to return to his see, in freedom, peace, and security, and to do his duty there *without restraint*; upon which conditions he promised to serve the king faithfully, to the best of his power, *saving the honour of God, and of the Roman church, and the rights of his order*. It was not very likely that Henry would be disposed to accept of his service under all these restrictions, or could be persuaded by any eloquence to grant him such terms. He therefore mingled threats with admonitions and arguments, telling Henry, *that many pontiffs had excommunicated both kings and emperours; and that he ought, like David and Theodosius, to humble himself beneath the corrections of such holy men, repent, and amend*. All this was preparatory to the terrible sentence of excommunication, which he designed to pass on the king's person, as soon as the forms prescribed by the canons of the church would suffer him to do it. Most of the English bishops had likewise incurred his displeasure; and though he durst not attack them for what they had done at Northampton, because of the appeal which they had made to the pope, he found other pretences to bring them under the lash of his metropolitan jurisdiction. About this time he sent a letter to the bishop of Salisbury, by which he suspended that prelate from all episcopal functions, for having lately, against his and the pope's prohibition, admitted John of Oxford into the deanry of Salisbury, in the absence of some of the canons, who were in banishment with him, and for his sake. He also annulled the election, and declared John of Oxford excommunicate, for his intrusion into that dignity, and likewise for his behaviour at the diet of Wurtsburg. The bishop of Salisbury hereupon appealed to the pope; and all his

V. Epist. 65.
l. i.

V. Epist. 100.
l. i.

his brethren in England were so apprehensive of what might follow, against themselves, the king, and kingdom, that they thought it necessary to prevent it, by a previous appeal to his Holiness, which they notified to Becket in an eloquent letter, written in the name of the whole English clergy. This contained severe reproaches of his turbulent conduct, and ingratitude to the king, reminding him "how that monarch had exalted him from a low and private state to the highest degree of honour, and had subjected to his power all parts of his own dominions, which extended from the northern ocean to the Pyrenæan mountains." To this he answered, "That, before he came into the service of the king, he had a sufficient degree of wealth and dignity: That David was raised from a lower state to reign over the people of God; and Peter, from a fisherman, was made the head of the church: that the latter, by suffering death for the name of Christ, had merited a crown in the heavens, and glory upon earth: That he wished to do the same; for he was a successor of Peter, not of Augustus: That he better repayed the king's favour by obtaining for him the divine mercy through a wholesome severity, than they did who flattered and made their court to him with lies. That he did not mean to be ungrateful; and in all offences it was the intention that made the guilt. That God himself had said, "If thou dost not declare to the ungodly his iniquity, and he dies in his sin, I will require his blood from thy hands." In like manner he defended himself from other charges against him, with much art and much spirit. But, besides this general answer, he wrote a particular letter to Gilbert Foliot, bishop of London, whom he suspected to have dictated that which had given him so much offence, and vented therein all the rancour of his heart against that prelate.

This

A. D. 1166.

Epist. 126.
l. i. e. Cod.
Vatic. See it
in the App.Epist. 127.
eCod Vanc.
l. i.
V. Append.Epist. 128.
l. i. e. Cod.
Vatic. in
Append.

A. D. 1166.
V. Epist. 126
e Cod. Cotton, in Append.

This occasioned a reply, which the bishop began by denying, in the most solemn manner, the imputation cast upon him in both the letters above-mentioned, as if he had aspired to the archbishoprick of Canterbury, and had been irritated against Becket on account of the preference given to him by Henry in that promotion. Besides the strongest appeal to God, on the falshood of this charge, he called on the archbishop himself to testify, whether in order to obtain the see of London he had made any court to him, who, by his favour with the king, was then the sole disposer of all preferments; and, from his not having done that he inferred the improbability of his having applied to any minister, or shewen any ambition, to gain the see of Canterbury. But he charged Becket with having ambitiously desired that dignity, and having procured his election by the most violent use of the royal authority. He likewise upbraided him with the burthens he had laid upon the church, in his administration as chancellor on occasion of the war of Toulouse; and with having deserted his brethern in the opposition they had made to the constitutions of Clarendon, agreeing to swear to the observation of them, *and declaring that he meant to perjure himself in so doing*; injoining them likewise to take the oath he had taken, and then breaking it by acts directly contrary to those statutes. The proceedings at Northampton in consequence of that disobedience are recapitulated in this letter, as they are related above; and the archbishop is reproached with his behaviour there, and flight from thence into a voluntary exile. And as that prelate had called on all his brethern in England to be martyrs with him, the bishop tells him, *that it is not the punishment, but the cause, which makes the martyr. That, God be thanked, there was then in England no dispute about the faith, none about the sacraments,*

ments, none about morals. True religion flourished A.D. 1166.
equally in the prince, in the prelates, in all the subjects of the kingdom. None had joined in the schism which then divided the church. The whole contention was against the king, and concerning the royal authority, with respect to certain customs, which he asserted to have been established in the time of his predecessors, and required to be kept under him. The bishop, having thus stated the nature and grounds of the controversy, expostulates with Becket on the injustice of drawing the sword of excommunication against the anointed head of the king, because he would not give up these customs, which he had not introduced himself, but found instituted and confirmed by a long usage of the kingdom; observing, "that the difficulty of pulling up any plant must naturally be greater, in proportion to the time it has had to take root, and strike deep into the ground." He then reminds him, "that his predecessor in the see of Canterbury, Augustin, the first apostle of the Anglo-Saxons, had turned that nation and their king from the many evil customs established among them, not by maledictions, but by gentle and friendly exhortations, which had inclined the minds of the powerful to receive good instructions: that John of Crema, in their own times, being sent over from Rome, had, by the same methods, procured an alteration of many customs long settled in the kingdom: and that lately the king of France, had, on the birth of his son, by way of thanksgiving for that favour vouchsafed to him by God, and at the intercessions of his clergy, taken off many burthens, laid upon them and confirmed by ancient usage: none of which changes could have been effected by force or menaces." In pursuing this argument of the unfitness of violent and the probability of success by gentle measures, he mentions it as a thing well known to Becket, "that
Henry,

A. D. 1166. Henry, in the midst of all his greatness, had such a contempt of the world, and such a spirit of devotion, *that he could hardly be restrained from retiring to a convent!*" This appears very extraordinary, and unsuitable to the temper and character of that prince; but I presume it was rather a passionate and vehement expression of that disgust, which the troublesome state of his affairs had produced in his mind, and which he may have vented to this prelate in discoursing upon them, than any deliberate purpose, or real inclination to a monastick retreat. The bishop further asserts, "that he would, long before that time, have given up such of those customs as were most offensive to the clergy, if two considerations had not hindered; first, the fear of its being thought dishonourable to him, that the rights of a kingdom, which had devolved to him from his ancestors, should be impaired in his days; and secondly, the shame, that what he granted from a motive of piety, should be supposed to be extorted from him by force: yet, that he had so far got over the first of these difficulties, as to be willing to assemble the clergy of this kingdom, and by their advice correct and alter such customs of the realm, as should be found grievous to them; if the disturbance raised by Becket had not prevented the good effects of this gracious disposition." But in another letter, which the clergy of the province of Canterbury afterwards wrote to the pope, it is said, "that, if there was any thing in the constitutions of Clarendon, either dangerous to the souls of men, or ignominious to the church, the king had long promised, and still persisted in promising, that he would correct it *by the advice of his kingdom:*" which explains the passage above cited from Foliot's letter to Becket, as meaning, not that Henry had promised

v Epist. 128

e Cod. Vatic.

l. i. in App.

to submit the royal customs to the judgement and correction of the clergy alone, but of them and the whole nation assembled in parliament. Indeed even this was a concession, which, considering how deliberately the constitutions of Clarendon had been enacted, ought not to have been made; and which agrees but ill with the constancy he afterwards shewed in maintaining most of those statutes, against all the efforts of Becket and of the pope to subvert them. It is not improbable, that in making this promise to the bishops he only sought to gain time, and enable them to prosecute their appeal to the pope with more advantage, intending to elude the performance of it, or trusting that the parliament, when Becket should be no longer archbishop of Canterbury, would, upon a revision, confirm, instead of abrogating, the greater part of those laws.

In another part of the bishop of London's epistle abovementioned he recites some epistles and decrees of popes forbidding any clergyman to submit to the judgement of any secular court; but intimates an opinion, that, by virtue of the *unction* received at his coronation, the king was so sanctified, as to be reputed, not only a secular, but an ecclesiastical magistrate. He also reminds the archbishop, that Pope Leo the Fourth, in a letter to the emperor, acknowledged himself to be subject to the jurisdiction of that prince, or of judges sent from him, touching any offence he might have committed against his subjects. He then distinguishes to what ecclesiastical cases the royal jurisdiction extends, and to what it does not extend: some things, he says, belong to the church by divine right, and some by human. Among the first he places ecclesiastical degrees and orders, with all the dignities and powers thereunto annexed, and all the spiritual functions of the priesthood. He shews from the Old Testament, that when

A. D. 1166

the laity presumed to intermeddle in these they were punished for it by signal acts of divine vengeance. "Every priest, he says, is in these superior to a king, as a father and a pastor over a son and a disciple. If therefore a king has offended against God, he ought to seek (after the example of Theodosius the Great) to be reconciled to him by the intervention of the priesthood. If priests accuse each other, the judgement of this cause does not belong to the king, but he ought to withdraw, and go backwards, lest he should behold the nakedness of his father." But the bishop adds, "that, besides the spiritual, there are also some material things, which the church holds by divine right. Among these he reckons tithes, oblations, and first fruits; and concerning these, which the Lord has sanctified to himself, and dedicated by an eternal law to the use of his ministers, he denies that the royal power has any proper cognizance." But he observes, "that the church possesses many things by human right alone namely, such as have been granted to it, not in virtue of any precept or law of God, but by the voluntary gifts of men, which the zeal of Christians had extended far beyond the limitation of the levitical portion. Kings (he says) and elect princes had transferred to the church their ample patrimonies; so that the ancient prediction to her sons had been literally fulfilled, *ye shall devour the strength of the nations, and in the glory of their people shall ye be proud.*" He makes the same application of some other texts of scripture, and seems to intimate, that the donations and concessions of this nature had been excessive and superfluous; concluding, "that it is free to every man, in giving what is his own, to annex what conditions he pleases to the gift, provided they are not unlawful or immoral." From hence he infers the obligation of churchmen to perform all the services annexed, by custom

custom to their fiefs and temporal possessions. He A. D. 1166. says, "that the power conferred by God made his ministers pontiffs, and the power conferred by the king made them earls or barons. By virtue of the latter the clergy had obtained in the palace a high degree of preeminence, having a principal place in all trials and judgements of the kingdom, except when the question was concerning life or blood : in consequence of which they were bound, when cited by the king, to attend his court, and try causes, even concerning the lands which the royal bounty had bestowed on the church ; whether the contest was among themselves, or raised against them by the laity : and, though in spirituals they were distinguished by different degrees, in these temporal matters they all judged as peers to each other and to the temporal barons ; and each of them was equally obliged to submit to the sentence given by all." The bishop adds, " that from the different exercise of the sacerdotal and royal powers, both of which were from God ; and from the vicissitude between these of judging and being judged, there arose a strong bond of mutual affection and reverence ; and each of them was interested to secure the peace of the other." He therefore praises Becket " for having, at first, submitted to the sentence of the king's court against him ; but laments, that he should have declined the judgement thereof in a pecuniary cause between him and his sovereign, who *rather angrily than greedily* demanded from him his own." And, as Becket had said, in the letter to which this was a reply, that an archbishop of Canterbury's being compelled to answer such demands in the king's court was a novelty unheard of before, he tells him, " it was unheard of, that ever, till that time, an officer of the court had been so suddenly exalted to that see ; that a man should pass from hawks and hounds, and other pleasures of

A D. 1166. the court, to the service of the altar, and the administration of the highest spiritual office and dignity in the kingdom." In the conclusion of his letter he admonishes him to call to mind, *that our Lord did not turn to Zacheus, till he came down from the sycamore*, and exhorts him to descend from the heighth of his arrogance, that the king might turn to him, and grant more to his humility, than he would to his pride, or his threats.

This is the substance of Gilbert Foliot's most remarkable letter, a transcript of which from the Cotton manuscript is in the Appendix to this book, together with several others that were written during the course of this quarrel, by which the merits of the cause, the temper of the parties, and the abilities of the writers, may be more particularly seen.

But it was not Becket's intention to combat his antagonists by words alone. He had now received from the pope a power to exercise at discretion ecclesiastical justice against those who had usurped the goods of his church, or done him or his friends any injury, if they refused restitution and satisfaction. His Holiness also said, "that, *as to the person of the king he gave him no special mandate; but neither would he take from him that authority which belonged to his office, as archbishop of Canterbury, and which he desired to preserve to him unprejudiced and entire.*" This Becket interpreted into an absolute power of excommunicating Henry when he should think proper, supposing perhaps, and not unreasonably, that Alexander meant only to remove from himself the odium of such a violent act, and throw it chiefly upon him. Nor was he afraid, or unwilling, to bear that burthen: and having already gone through the canonical forms of admonition and commination, he thought it time to pass sentence. About the beginning of June, in the year eleven hundred and sixty six, he

he went from Pontigni to Soissons, in order to ^{A. D. 1166.} visit the sepulchre of St. Dransius, who was supposed to have the power of rendering invincible ^{V. Epist. 140} any champion who should pass a night at his shrine. Robert de Montfort, before his duel with Henry de Essex, had practised this devotion; and his good success was ascribed to the intercession of the saint. Here therefore Becket, adopting the popular superstition, prepared himself for the exercise of his spiritual chivalry, and implored the assistance of Dransius in that perilous combat, which, as the champion of the church, he resolved to undertake against his own sovereign. One whole night did he watch before the shrine of this saint; another, before that of Gregory the Great, whom he considered as the founder of the English church; and a third before the altar of the Blessed Virgin, his patroness. Having thus raised in the people a very high expectation of what was to follow, and, possibly, fortified his own heart by kindling in it a more ardent flame of enthusiasm, he went to Vizelay, intending there to pronounce his anathema against the king, his master, on the ensuing Whitsunday. But, before that day came, he had a message from Louis, to inform him that Henry was dangerously ill: on which account he was advised by that prince to defer the accomplishment of this act till a more proper time. Advice from Louis was a command ^{V. Epist. 96,} to one in his circumstances. Yet, though he granted ^{138 140. l. i.} this delay to the person of Henry, he pronounced several sentences of excommunication against his servants and ministers; particularly against John of Oxford, for the causes beforementioned; against Richard de Ivelcestre, archdeacon of Poitiers, for holding communion with the archbishop of Cologne, a favourer of the antipope; against Hugh de St. Clare and Thomas Fitz-Bernard, for having usurped the goods of the church of Canterbury, (that is, for having obtained the sequestration of those he had forfeited by his flight) and lastly, against

A. D. 1166. against the chief justiciary, Richard de Luci, and Joceline de Baliol, *as the favourers of the king's tyranny, and the contrivers of those heretical pravities, the constitutions of Clarendon.* He also condemned all those laws, but more especially six of them; excommunicated in general all persons whatsoever who should enforce or observe them; annulled the act of parliament by which they were confirmed, and absolved the bishops from the oath they had taken to observe them. Having thus outgone the pope himself, who had tolerated some of them, he notified what he had done to his suffragan bishops, injoining them to publish the sentences he had pronounced, and take care of their execution. He added, that, as yet, he had deferred to pass sentence on the person of the king, waiting to see whether that prince, through divine grace would repent; but, if this did not happen, he declared, he would soon pronounce it.

V. Epist. 96.

l. i.

V. Epist. 140.

l. i.

His former letters had given such an alarm to the king, that he had called a great council at Chinon in Touraine, to consult with them by what means he should resist the hostilities of this violent man, who, he told them, *desired to destroy both his body and his soul.* The bishop of Lisieux advised him to interpose an appeal, in his own name, to the pope; as the only measure which could stop the impending sentence. He pursued this advice, though it was much more agreeable to the necessity of his affairs, than to the dignity of his crown; and ordered two of his bishops to go to Pontigni, and notify there to Becket the appeal he had made. But they found him not; for he was then at the sepulchre of St. Dransius; so that he had no information of the message they brought till he returned from Vizelay; and the king escaped excommunication only by his sickness, which did not last very long.

It is observable how much the conduct of Becket differed in this instance from that of archbishop Anselm,

self, whom in many particulars he seems to have made his guide and pattern. That prelate, being a fugitive, as his successor was now, stopped a sentence of excommunication, which Urban the Second was going to pronounce against William Rufus, in the council of Bari, by falling on his knees, and interceding for the king with whom he had quarrelled, and who had seized his temporalities on his leaving the kingdom. This was a behaviour that became a christian bishop; but the temper of Becket could not brook any delay of his vengeance, and he thought that decency in this business was of less importance than dispatch.

A. D. 1166.
V. Eadmer.
l. ii. p. 50.
See also l. i.
of the first
volume, p.
84.

V. Epist. 140
l. i.

John of Salisburi, writing to the bishop of Exeter upon Henry's appeal to the pope, observes very justly, *That while that prince, by his ancient customs, endeavoured to abolish the right of appeals to Rome, he confirmed it still more, by being obliged to have recourse to it himself, for the safety of his own person.* And certainly the church party had great reason to exult and triumph therein. But Henry, fearing that Becket, notwithstanding this appeal, might put his realm under an interdict, which, especially during his absence, would grievously disturb the peace thereof, took all possible care that no letters of interdict should be conveyed into England, nor any obedience paid to them, if they should arrive. For, he sent over orders that all the ports should be diligently watched, and that if any ecclesiastick was found to have brought over such letters, he should be punished with mutilation of members; if any layman, with death. He also commanded, that if any of the bishops, for fear of such interdict, should depart out of the kingdom, he should not be permitted to carry any thing with him, except his staff: and that all students abroad should speedily return into England, or be deprived of their benefices and banished for ever. All priests, who should refuse, in consequence of the interdict, to perform divine service, were to be castrated; and for

Cod Cotton.
p. 26.
Cod. Vatic.
p. 169.
Epist. 14. l.
i. See the
articles in
the Appendix.

A. D. 1166. any rebellious act they were to be punished with the loss of their benefices.

By these terrors the civil power endeavoured to guard itself against that rebellion, in which the primate of England had required all his clergy to join him, *for the salvation of their souls*. Instead of complying with his orders, his suffragan bishops, and all the clergy of his diocese, complained to the pope of his rash and furious proceedings, affirming, that justice, peace, and the publick weal of the kingdom were the sole objects of the king's most fervent desires; and setting forth in strong terms, how much to the detriment of the church it would probably be, if, by the intemperate zeal of Becket, that monarch should be compelled to join with the antipope. The account they give, in this epistle, of the proceedings at Clarendon is remarkable. They say, "that the king, not from any ambition
 " of extending the royal prerogative, nor with any
 " view to oppress the liberty of the church, but
 " from his desire of establishing the publick peace,
 " required that those customs and dignities of the
 " realm, which under former kings had been ob-
 " served by ecclesiastical persons, should be pro-
 " duced and promulgated, in order to prevent for
 " the future any controversy about them. Where-
 " upon *the oldest bishops, and other most ancient per-*
 " *sons of the kingdom*, being solemnly adjured to
 " give their testimony truly and faithfully in this
 " enquiry, the customs sought for were brought
 " forth, and publickly attested in parliament by
 " the greatest men in the kingdom." They also apologise for the opposition they made at first to these laws by their zeal for the privileges of the priesthood, "*between which and the king's zeal for*
 " *the good order of his realm a holy contention had*
 " *arisen, which they believed would, on both sides, be*
 " *justified, before God, by the honesty of the intentions.*" They conclude their letter by declaring their appeal to his Holiness, and carrying the term of it to the ascension-day of the next year. Thus

Thus was the papal authority called in by both parties in this dispute, to decide a question which belonged to the civil power alone. But Henry, before he made his appeal to the pope, had expressed his indignation against the Cistercian monks of Pontigni, for harbouring Becket, by declaring to the whole order, that, if they did not expel that prelate from their house, he would certainly expel them from all his dominions: and as, notwithstanding his application to Rome, he continued these menaces, the archbishop, unwilling to hurt his friends without benefit to himself, departed from Pontigni, where he now had resided near two years, about the feast of St. Martin, in the year eleven hundred and sixty six. A safe asylum was given to him by the king of France at Sens, with all the assistance that compassion warmed by bigotry could bestow. Henry doubtless judged ill in thus compelling him to remove from his former retreat; as he might be sure that another, equally secure and agreeable, would be opened to him in France: for to seem to persecute, and not to be able to hurt, was doubly dishonourable to his royal dignity: nor did an act of this nature agree with the appeal he had made to the pope, who had himself recommended Becket to the abbot of Pontigni, and owed a peculiar regard to that order, because they had lost all their convents in the empire by refusing to join in the schism.

About a month after this change in the place of his residence, the archbishop received some letters from Alexander, which not only confirmed the several sentences pronounced by him at Vizelay, but appointed him legate over all the realm of England, except the single diocese of the archbishop of York, who, being legate for Scotland, could not properly be subjected to the legantine power of another. This legation was not given as a right annexed to the see of Canterbury, which some have supposed; but,

A. D. 1166.
V. Epist. 129. 138.
Gerv. Chron. Hoveden.
sub ann. 1166.

V. Epist. 118.
l. i.
V. Epist. 115
l. i.

A. D. 1166. but, as appears from the words of it, was a special commillion : and the granting it at this time was an extraordinary favour conferred on Becket, and a very offensive act to the king of England and all the appellants bishops. It was making that prelate judge in his own cause, and arming his passions with all the thunder of Rome. He probably owed it to the importunate intercessions of Louis, who was more zealous for him than Alexander himself. But the joy this gave him was checked, while he was using his new authority to the no small terror of his enemies, by the effects of a negociation between that pontiff and Henry, of which we have no satisfactory account. All we know is, that ambassadors having been sent from the marquis of Montferrat to ask one of the daughters of Henry for his son, they assured the king with great confidence, that, if they returned with success, they would procure the deposition of Becket from Canterbury. Henry granted their request, and sent back with them three ministers, John of Oxford, John Cummin, and Radulph de Tamworth, who, from the court of the marquis, were ordered to proceed to that of Rome. It is very wonderful that the king should send on this business one so obnoxious as John of Oxford, accused of having joined in the schism with the Germans, and actually excommunicated on that account, as well as for having accepted the deanry of Salisbury against the pope's prohibition ! What secret reasons determined him to so exceptionable a choice it is difficult to discover ; but the prudence of it appears to have been sufficiently justified by the event : for, in spite of all these objections, John of Oxford was admitted to treat with his Holiness, after taking an oath, that he had done nothing at Wurtzburg against the faith of the church, or the honour and service of the pope. As for the deanry of Salisbury, he resigned it to Alexander, and immediately received it again from
that

V. Epist. 130.
l. ii.

V. Epist. 102.
l. ii.

V. Epist. 7.
l. ii.

that pontiff, together with absolution. One may A. D. 1166
 presume that all this had been concerted before-
 hand between his Holiness and the ministers of the
 marquis of Montferrat. The credentials brought by
 John of Oxford appearing to contain ample pow-
 ers from his master, Alexander negotiated confi-
 dentially with him, and he managed so ably,
 with the help of his colleagues, as to obtain for the
 king that two cardinals named by that prince
 should be sent legates *à latere* over all his French
 territories, with full authority to hear and determine
 the cause of Becket, as well with Henry himself,
 as with the bishops appellant, by a definitive sen-
 tence. One of these legates was William of Pavia,
 Henry's particular friend. And, till these should
 have determined the abovementioned causes, the
 archbishop was strictly forbidden by the pope in
 any manner to disquiet the king, or his kingdom.
 Moreover, if in the interim he should have past any
 sentence against Henry's person or realm, his Ho-
 linefs declared it to be of no effect. This was
 indeed a suspension, or rather revocation, of the
 legantine power which he had granted to Becket.
 And, to compleat his indulgence, he assured the
 king in this letter, which is dated the thirteenth
 of the calends of January, that the legates he had
 appointed should absolve all the servants and coun-
 sellours of that prince, from the excommunica-
 tion laid upon them, though he had confirmed it
 before; and further granted, that if any of them
 should be in danger of death before the legates
 arrived, such person might be absolved by any bi-
 shop or priest, only taking an oath, as was usually
 done in cases of this nature, that if he recovered,
 he would submit to whatever the pope should in-
 join. Thus were the hands of Becket tied, and the
 acts he had done at Vizelay entirely annulled by
 the papal authority, from which he expected the
 most cordial support and assistance. So conscious

V. Cod.
 Cotton. es-
 pist. Thom.
 Claudius, b.
 ii. fol. 142.
 See also the
 Cave manu-
 script in the
 Bodleian li-
 brary, and
 the trans-
 script of it in
 the Appen-
 dix.

A. D. 1167 was the pope how extremely inconsistent with all his past conduct these concessions must appear, that, although he allowed the king a liberty of shewing the letter, by which he notified them to him, *in case of necessity*; yet he most earnestly entreated, and strictly enjoined him, *not to do so, if it could by any means be avoided; but to keep it absolutely secret*. And therefore the Jesuit, who was the editor of Becket's epistles, has, from a concern for the honour of the papacy, left this out of the book he published from the Vatican manuscript, as he has several others; but it is in the Cotton manuscript of those epistles, and also in the Cave manuscript of Gilbert Foliot's letters; from which very ancient and authentick collections I have transcribed it into the Appendix belonging to this volume. It was a cur-

V. Epist. 162
l. ii. rent report, that in order to obtain these extraordinary favours, and the pope's dispensation for Geoffry Plantagenet to marry his third cousin, the heiress of Bretagne, which John of Oxford brought with him, that minister had engaged, in the name of his master, that the dispute concerning the royal customs should be entirely submitted to the judgment of his Holiness; and that each of those constitutions should be annulled or confirmed at his pleasure. We are also informed by a letter from the bishop of Poitiers, who, though a subject of Henry, corresponded with Becket, and gave him intelligence of what passed in the court of that prince, that John of Oxford had been charged, by both his colleagues, at their return out of Italy, with having, to gain absolution for himself, exceeded his powers, and given hopes to the pope that a reconciliation might be effected between Henry and Becket, on terms which it was impossible for the king to accept. But whatever he did must have been done by Henry's orders; as

V. Epist. 23.
l. ii.

he continued to enjoy the same degree of his favour. And what it was that he promised Alexander himself has told us. For, in a letter written
by

by that pontiff to the cardinal legates, after their departure from Rome, there is this expression, “ John of Oxford signified to me *by the letters he brought,* that the king had publickly said, *he would pre-serve to his clergy that liberty which they had enjoyed from the time of his grandfather Henry the First.*” Now in these words there was much ambiguity. If *from the time of his grandfather Henry the First* signified *after that time*, it was in reality giving up what the king and the nation were most concerned to maintain; because the church, in the reign of Stephen, had violated almost all the rights of the crown: but, if that date took in the reign of Henry the First, then the king gave up little; because most of the customs confirmed to him at Clarendon were then in full vigour. It appears very probable, that John of Oxford was impowered to offer some relaxations of the royal prerogatives, so as to bring them to a medium between what they had been in the time of Henry the First, and the immunities which the clergy had gained under Stephen. For this was consonant to what the bishop of London affirmed to Becket, in the letter recited above; and, some time afterwards, the same prelate in a council, or synod, where both the legates were present, ^{V. Epist. 6. l. ii.} made a publick declaration, *that the king released the prohibition of appeals to Rome, which he had enacted for the benefit of the poor clergy, and now annulled on account of their ingratitude.* He ought to have maintained it for the dignity and independence of the state; but he could not do that with any grace or propriety, after he had himself appealed to Rome. Yet, whatever concessions John of Oxford may have made in his name, the success of that minister must be chiefly ascribed to the apprehensions of Alexander at this juncture of time. The Emperour Frederick, at the head of a formidable army, was now came into Lombardy, ^{V. Francisci Pagib. vias pont. Roman. sub ann. 1166}

A. D. 1167. Lombardy, and threatened Rome. The terror this gave naturally added great force to the intercessions of those cardinals who favoured the king of England, and of his new ally, the marquis of Montferrat, who was one of the most powerful princes in Italy. The business was also much forwarded (if Becket was not misinformed) by the power of bribes in the court of Rome, which (to use an expression of that prelate in one of his letters) *was prostituted, on this occasion, like a barlot, for hire.* An astonishing instance how far that power extended, and how dexterously Henry's ministers employed it to serve him, is, that John Cummin and Radulf de Tamworth procured and brought with them, at their return to the king, all the letters which Becket had written to the pope against that prince, or which other persons had written in favour of Becket, among whom were some the king had never suspected, bishops of his own territories, and even officers of his household. The bishop of Poitiers, who wrote to apprise the archbishop of this treachery, says, that Cummin pretended he had taken these letters from a messenger sent with them to Rome by Becket; *but that it was more probable he had got them out of the Roman chancery.* He also tells that prelate, it was believed John of Oxford was gone into England to prepare a new charge against him; and that the two other ministers threatened him grievously, because in some of the letters he had written to the pope, and which they now brought to Henry, he had called that monarch *a malicious tyrant.* His correspondent appears much alarmed for him on account of this unhappy discovery; and doubtless it was a misfortune which must have given great disquiet both to him and his friends. But before he had received any intelligence of it, or of what had been done to his prejudice by Alexander himself, he had found means

means, notwithstanding all the vigilance of the government in guarding the ports, to get the pope's mandate, which notified his legantine power to the bishops of his province, and a copy of the bull of legation itself, delivered, by a person unknown, to the bishop of London, while he was officiating at the high altar, on the feast of St. Paul's conversion, in the year eleven hundred and sixty seven. There were also delivered to him, at the same time, and by the same person, letters from Becket to him and the other bishops of England, requiring them to obey him as legate, and summoning them to appear before him within forty days after the receipt of those letters. These the bishop of London was commanded to deliver or send to those prelates, together with the bull of legation, on pain of being degraded. The pope's mandate required them to compel all persons, who, pursuant to an order from the king, had taken possession of the benefices belonging to the clergy in exile with Becket, to a full restitution of them within the term of two months, under the penalty of excommunication. They were likewise commanded to collect Peter-pence, and pay it to some messengers whom the pope would send for that purpose.

The bishop of London, greatly terrified, implored the king's permission to comply with all these injunctions; but Henry would consent to none of them, except that which concerned Peter-pence: nevertheless, so subjected were the bishops of England to the papacy, that even this prelate, the most attached to the person of the king, and most inclined to respect the royal authority, durst not venture to disobey the orders of the pope, or the summons of his legate. At this conjuncture, John of Oxford, returning from his embassy, arrived at Southampton, where he found the bishop of Hereford, whom Becket had thrice summoned by particular letters, waiting for a wind to go to France, thro' he

A. D. 1167.

V. Epist. 44
l. i.

A. D. 1167. he had been forbidden to pay any regard to that
 V. Epist. 165 injurction, not only by the king's ministers, but
 166. l. i. also by his letters. John of Oxford endeavoured
 to stop him in the name of the king, and, finding that
 ineffectual, in the name of the pope. The bishop
 asked, "if he had letters of the pope on this sub-
 ject." He replied, "he had letters, by which
 his Holiness forbad all the bishops of England to
 go over to Becket, or obey his injunctions on any
 other point, till the arrival of the legate *à latere*
 desired by the king, meaning William of Pavia,
 who would determine their appeal, and the more
 important cause between the king and that prelate,
 with fullness of power, and in the last resort." The
 bishop desiring to see those letters, he said, he had
 sent them before him to Winchester with his bag-
 gage. The bishop's chaplain was dispatched to
 read them there; and at the same time they were
 shewn to the bishop of London, who was in that
 city, intending to pass over to France, as well as
 the bishop of Hereford, at the call of Becket. As
 V. Epist. 165 soon as he had read them, he cried out, in a trans-
 1. i. port of joy, "*from henceforth Thomas shall be no
 more my archbishop!*" nor did Becket himself form
 a different judgement: for, being apprised of it
 by the bishop of Hereford's chaplain, he wrote to
 one of his clergy, who was with Alexander at
 Rome, "*that if these things were true, the pope had
 undoubtedly strangled and suffocated, not him alone,
 but the whole English and Gallican church.*" The
 king of France was much incensed. He talked of
 forbidding the legates to enter his kingdom, and of
 assembling all his bishops to declare and complain
 to them how ill he was used by the pope. Nay, he
 protested openly *that he was no less offended at the
 sending of the legates on this business, than if Alexander
 had sent them to take the crown from his head.* Yet,
 notwithstanding all this fury of zeal in that monarch
 for the support of Becket and his cause, an opinion that
 that

that he would be sacrificed to Henry's resentment A. D. 1167.
 prevailed so strongly in France, and so cooled his
 friends there, that some of the French nobility,
 and even of the bishops, from whom many of those,
 who had been driven out of England on his account,
 had received a liberal maintenance, turned them
 back on his hands; an instance of inhumanity and
 baseness of mind that would hardly be credible, if
 we were not assured of it by the testimony of Becket
 himself, in the above-cited letter to his agent at
 Rome, whom he ordered to acquaint the pope with
 it, that means might be found to prevent these un-
 happy persons from perishing soon with cold and
 hunger, as some of them, he said, had already
 perished. He also expressed his fears, "that if
 " Alexander should die, or any great confusion
 " should happen in Rome, the favours granted to
 " Henry would be transferred to his heirs, and,
 " what was worse, other princes would, in conse-
 " quence of this precedent, extort the like privi-
 " leges and *emancipations* from the church; and
 " thus all her liberty, and all the jurisdiction and
 " power of bishops, would be destroyed, *when there*
 " *would be none to restrain the wickedness of tyrants,*
 " *who in those days were wholly bent to make a violent*
 " *war against God and his ministers, nor would desist,*
 " *till they had reduced them, as well as others, to*
 " *servitude.*" There is likewise extant a letter,
 written at this time to the pope from a trusty ser-
 vant in France, which tells his Holiness, "it was
 " commonly and confidently reported, *that the*
 " *king of England put all his hope in the death or*
 " *ruin of his Holiness, declaring a fixed resolution ne-*
 " *ver to acknowledge his successor, unless he first*
 " *should have confirmed to him all the dignities and*
 " *customs of his kingdom.*" The writer adds, that
 "if, by means of the legates now sent to him,

A. D. 1167. “ that prince could artfully obtain a delay of th
 “ censures, with which he had been threatened
 “ till the decease of his Holiness, he would carry
 “ his point : and therefore all those *who had the*
 “ *spirit of God*, and desired the peace of the church,
 “ most fervently wished and prayed, that the spirit
 “ of Daniel might be excited in his Holiness, *to*
 “ *make him detect the frauds of Bel, and slay the*
 “ *dragon.*”

It seems indeed very evident, that Henry meant to avail himself of the death of the pope, if it should happen, or of any distress which that pontiff might be brought into by the emperor ; and therefore sought to gain time by the arts of negociation, and by such concessions as he probably would not have made, if he had not hoped that he should soon be able to revoke them, without danger to himself, or to the quiet of his realm. Which policy not escaping the penetration of Becket, he considered all delays as most hurtful to his interests ; and this, added to the natural impatience of his temper, made the conduct of Alexander appear to him essentially and inexcusably wrong. An able general, stopt, by the orders of his prince, from giving battle in the decisive moment of victory, and foreseeing the ruin of his own and his master’s affairs from that restraint, could not be more dissatisfied, or more grieved than he. But, as he durst not quarrel with the pope, he had recourse to supplications, and wrote a letter to that pontiff, in a most extraordinary style, directly *praying to him*, and imploring his help, in phrases of scripture appropriated to God : “ *Rise, Lord, and delay no longer ; let the*
 “ *light of thy countenance shine upon me, and do unto*
 “ *me according to thy mercy, and to my wretched*
 “ *friends who faint under too heavy a burthen : save*
 “ *us ; for we perish.* Let us not be confounded a-
 “ *mongst*

V. Epist. 45.

I. ii.

V. Appen-
 dicum.

“mongst men; let not our adversaries insult over us, A. D. 1167.
 “yea, the adversaries of Christ and the church; let
 “not our fortune be turned into derision by this nation
 “and people, because we have invoked thy name to
 “our assistance. Not unto us, O Lord, not unto us,
 “but in the name of our Lord Jesus Christ make un-
 “to thyself a great name; repair thy glory, clear up
 “the honour of thy reputation, which, upon the return
 “of that excommunicated and perjured schismatick,
 “John of Oxford, is, by his false reports, extremely
 “sunk in these parts. God knows, I do not lie;
 “and if you do not believe me, enquire of those in
 “France who wust tender your honour, who most desire
 “the welfare of the church. Clear up, I say, the
 “honour of your reputation, which hitherto has flourish-
 “ed unblamed amongst men, which, in the midst of
 “all perils, has been preserved unurt, which, when
 “all else was lost, remained singly inviolate, which in
 “all places was deemed to be found and illustrious.”

It is evident from the latter part of this very devout
 supplication, that the former was addressed, not
 to God, but to the pope. Whether it ought to
 be imputed to flattery or enthusiasm I will not de-
 cide. Those times thought it no blasphemy to give
 to the pope the honours of God: but that Becket was
 serious in that opinion may be doubted. However
 this may have been, his prayers were heard. Al-
 exander, upon the receipt of this and other letters,
 which informed him of the offence he had given in
 France, and particularly at court, by concessions
 to Henry so detrimental to Becket, whom a religi-
 ous zeal had recommended to the protection of
 Louis, was much alarmed: and though he would N. Epist 23.
 not recall the legates, he limited their authority 28. 35. l. ii.
 within much narrower bounds, employing them
 rather as mediators to negotiate a reconciliation be-
 tween Henry and Becket, than as judges to try

A. D. 1167. that prelate's cause; which restriction of their commission they received on the road, before they came into France. And, to take off the ill impression which Louis had received, he wrote a letter to that monarch, explaining the purpose of this legation agreeably to the alteration now made, and desiring him to assist the earnest endeavours the legates would use for the concluding of a peace between Henry and Becket. But if this could not be obtained, he then asked his leave to appoint that prelate apostolical legate in France, *if such a thing could be done without grievously offending the bishops of that kingdom.* It does not appear, that this proposal was relished by Becket.

Soon after Easter, in this year, eleven hundred and sixty seven, a war had broken out between Louis and Henry. The former of these, from the time when Becket first implored his protection, had shewn in his whole conduct a mind entirely alienated from all friendship to the latter, whom he considered as a tyrannical persecutor of the church in the person of a holy archbishop. His conversations with that prelate, after he came into his territories, had so strengthened this opinion, that he began to think the making war against such a grievous offender would be little less meritorious than another crusade. But the immediate occasion of this rupture was one of those quarrels, wherein the king of England was often disagreeably engaged, by being, on account of his territories in France, a vassal of that crown.

Chron. Nor.
Diet. Imag.
hist.
Gerv. Chro-
sub ann.
1167.

William the Seventh, earl of Auvergne, had been dispossessed of that earldom, which he inherited from his father, by the arms and intrigues of his uncle; and Auvergne being a fief of the dutchy of Aquitaine, the former cited the latter to the tribunal of Henry. But the defendant had recourse

course to Louis, *as supreme lord of the fief*, who irregularly, as it seems, and against the right of the duke of Aquitaine to do justice to his vassals in the first instance, took the cause into his own hands. Henry therefore, to assert his own jurisdiction, led an army into Auvergne, and ravaged the lands of his rebellious subject. Louis hereupon made an inroad into the Norman Vexin, where Henry having desired a peaceful interview with him, they held a conference, and the latter used his utmost endeavours to terminate this dispute, and other differences between them, in an amicable manner. But the French nobility were averse to an accommodation, thinking it necessary, after the acquisition which Henry had made of Bretagne by his treaty with Conan, to attempt the reducing of his exorbitant power in France, which broke the whole balance of the government in that kingdom. They were likewise apprehensive that some confederates, from whom they expected assistance, would be disgusted and lost, if the king of France did not act with more vigour and alacrity than he had hitherto done, in support of their interests; and that Henry would be delivered from all the embarrassment of his contest with Becket, by the cardinal legates, of whose coming they had now received accounts. For these reasons, and from a regard to the inclinations of their master, which were very averse to a peace, they laid hold of all pretences to hinder an agreement, and particularly of a dispute about the manner of paying some money raised by Henry, for the relief of the christians in Palestine; on which article I shall have occasion to say more hereafter. Louis began the war by firing some villages on the borders of Normandy; whereupon Henry assaulted, took, and burnt to the ground the castle of Chaumont, which, being the

A. D. 1167. strongest fortress in the French Vexin, and the chief magazine wherein Louis had deposited all his stores for the war, with his military chest, the loss of it was a most sensible blow to that prince. In revenge he burnt the town of Andeli sur Seine, and some others of less note ; but while he performed these exploits, more destructive than glorious, Henry took by storm the castle of Finnel; and the war continued till August, when Louis, being unable to carry it on with any vigour, for want of the stores and money he had lost, consented to a truce, which was to last from that time till after the Easter holydays of the following year. Many reasons of prudence might incline the king of England to think this armistice more desirable than a continuance of the war, even with all the advantages he had gained ; and particularly the state of his affairs in Bretagne. For Guinomar, son to the viscount of Leon, and brother-in-law to Earl Eudo, having been excited by Louis, and encouraged by an assurance of support from that monarch, began to be factious in that country, and drew to his standard some discontented nobles. Henry availed himself of the truce concluded with Louis to crush this insurrection, before he could rise to any dangerous height ; and making a sudden incursion into the county of Leon, destroyed the castle of Guinomar, with other fortresses that belonged to the friends of the viscount, which compelled him to submit, and give hostages to the king for his future fidelity. Rebels, who act with a dependence upon aid from great kings against the arms of their sovereigns, are often sacrificed in this manner to the necessities or the interest of their royal protectors.

While Henry was employed in suppressing this revolt, he received an account of the death of his mother

mother Matilda, the greatest lady that Europe had A. D. 1167.
 ever seen, empress of Germany by her first marriage, countess of Anjou, Tourane, and Maine by her second, and, by the will of her father confirming her claim from hereditary right, dutchess of Normandy and queen of England. Yet she was more truly great in the latter part of her life, when she acted only as a subject under the reign of her son, than at the time when she beheld King Stephen her prisoner and England at her feet. The violence of her temper, and pride inflamed by success, had then dishonoured her character, and made her appear to her friends, as well as to her enemies, unworthy of the dominion to which she was exalted : but from the instructions of adversity, age, and reflexion, she learned the virtues she most wanted, moderation and mildness. These, joined to the elevation and vigour of her mind, wherein she had always surpassed her sex, enabled her to become a most useful counsellour and minister to her son, in the affairs of his government, which, for some time past, had been her sole ambition. There is not in all history another example of a woman who had possessed such high dignities, and encountered such perils for the sake of maintaining her power, being afterwards content to give it up, and, without forsaking the world, to live quietly in it ; neither mixing in cabals against the state, not aspiring to rule it beyond that limited province, which was particularly assigned to her administration ! Such a conduct was meritorious in the highest degree, and more than atoned for all the errors of her former behaviour.

The last publick affair in which she took any V. E. lib. 42.
 part was a mediation between her son and Becket, ^{l. ii.}
 which the pope enjoined her to undertake, *for the*
I i 4
remission

A. D. 1167.
V. Epist. 52.
53. l. i.

remission of her sins. When that prelate was informed of her having received this injunction, he sent messengers to her with a very artful letter, in which, after great encomiums upon her charity, piety, and zeal for religion, he made his complaints, “ that her son had afflicted the clergy of his realm “ in an intolerable manner, and had exacted from “ them some things *unheard of, and unaccustomed.*” But being sensible that he could not make good this assertion, he immediately added, “ that, if an- “ *cient kings had required prerogatives of that na- “ ture, they ought not to have done it. What (says “ he) will it profit the king your son before God, if “ he transmits his sins to his heirs, and constitutes “ them, as it were by his testament, adversaries of “ God and his church? Or what does it now profit “ his ancestors, if he, taking occasion from their evil “ practice, offends God by a kind of hereditary right? “ Other services should have been done, and other “ gifts have been offered, to appease the divine wrath, “ and for the salvation and redemption of the souls of “ his forefathers. God is not pleased with sacrifices “ from rapine. It might as well be supposed that a “ father would be pleased to have his son offered up “ in sacrifice to him.*” After these expostulations with Matilda, which were admirably well calculated to deter her from insisting on the antiquity of those rights that were in dispute, the archbishop invites the king, her son, to repentance, with a gracious promise of mercy; but yet he says, “ that “ *God has drawn his bow, and will speedily shoot “ from thence the arrows of death, if princes do not “ permit his spouse, the church, for the love of whom “ he had deigned to die, to remain free, and to be “ honoured with the possession of those privileges and “ dignities, which he had purchased for her with his “ blood, on the cross.*”

Whoever

Whoever has read the Gospel must be astonished A. D. 1167. to hear, that an exemption for clergymen from all civil justice was *one of the privileges purchased by the blood of Christ for his church!* But Becket having, agreeably to the doctrines of Rome, inculcated this to the empress, proceeded to inform her, V. Epist. 52. l. i. ut supra. “ that it was her duty to use the care of a mother, and the authority of a queen, in reclaiming her son ; as it was she who had, with many labours, acquired for him his kingdom and dutchy of Normandy, and transmitted to him, by hereditary succession, those rights and royal prerogatives, which were now made the occasion of the church being oppressed and trod under foot, innocent persons proscribed, and the poor intolerably afflicted.” Matilda had not, for some time, been used to hear, that she had over her son the authority of a queen, nor that her labours had acquired for him his kingdom and dutchy of Normandy. That both these propositions were false in fact, the archbishop and she herself must have perfectly known : but he thought they would sound agreeably in her ears ; and it imported him to render her favourable to him in this negotiation. He concluded by assuring her, “ that, on his part, he would willingly do what he could for the salvation of her and her son, perpetually imploring the mercy of God for them both ; but he should pray with more confidence, if the king by restoring peace to the church, would speedily and devoutly return to God, his maker and benefactor.”

As soon as Henry was informed that the mediation of his mother was desired by the pope in this affair, he apprehended that her piety might be seduced or alarmed by misrepresentations of the nature of the question ; and therefore sent John of Oxford

A. D. 1167. Oxford to caution her against the arts of Becket.
 V. Epist. 53. By him she was told, "that every thing done by
 I. I. "that prelate had been done *out of pride and the*
 "desire of dominion; and that the ecclesiastical li-
 "berty, which he endeavoured to maintain, was
 "used by the bishops, *not to the benefit of their own*
 "or other men's souls, but to the encrease of their
 "wealth; the crimes of delinquents accused in the
 "spiritual courts not being punished by the proper pe-
 "nantes, but by pecuniary mulcts." He added
 some reflexions upon the conduct of Becket, for
 having affected to gather about him the children of
 of noblemen, who were bred up to learning under his
 inspection, instead of religious persons; and gave a
 very scandalous name to those youths, which the
 writer of the letter, from whence I take these par-
 ticulars, says, *he did not think fit to be mentioned.*
 V. Epist. 53. This was certainly a most unjust and malignant
 I. I. defamation, of not only an innocent but laudable
 act. The young noblemen, thus taught in the
 archiepiscopal palace, were probably designed for
 holy orders; and the superintending of their stu-
 dies was very suitable to the character of a learned
 archbishop, whatever offence it may have given
 to the monks, or inferior secular clergy, who de-
 sired, if possible, to exclude all the gentry from
 learning, and confine to themselves all preferments
 in the church. To argue from thence (as John of
 Oxford did to Matilda) that Becket was not really
 a friend to the church, was very uncandid; and to
 impute his familiarity with these youths to a foul
 and unnatural passion (if that was meant by the
 scandalous appellation given to them) was cruel
 slander. For I do not find the least hint of such a
 suspicion against him, in any other letter or writing
 of those times. But another accusation thrown out
 by John of Oxford, in his discourse with Matilda,
 may

may have been not so ill founded ; namely, *that* A. D. 1167.
V. Epist. 53.
l. i. *Becket conferred ecclesiastical dignities, merely with a view to serve himself, and not to serve God, even upon persons whose characters were notoriously vile.* This he might do ; for whosoever makes himself the head of a faction must consider abilities more than morals, and reward zeal for the cause, which is frequently strongest in those who have no other merit, with the most distinguished marks of favour. The empress was likewise informed, that the archbishop had not fled out of the kingdom on account of the royal customs, but of the pecuniary cause between him and his master. And most of these accusations were confirmed to her by others who came from her son, as well as by John of Oxford. It appears from a letter, sent to Becket from one of his agents in this business, that she was much V. Epist. 53.
l. i. incensed against him, and in discoursing with them, complained of the bishops for ordaining men without titles, which brought into the church a multitude of indigent persons, who being led by want and idleness into all sorts of crimes, were protected from punishment by the ecclesiastical privileges, and could not be restrained by the fear of deprivation, having no benefices to lose, or of being imprisoned by the bishops, who, in most cases, chose rather to dismiss them with impunity than to keep and feed them in their jails. She also blamed the evil custom of allowing pluralities, even as far as seven benefices to the same person, and of taking great sums of money, as commutations for the penances due to offences. Becket's agent himself acknowledges, *that these complaints were well founded*, and exhorts him to testify his disapprobation of them, by words and deeds. Particularly he desires him, if he wrote again to the empress, to express it to her : but I do not find that the arch-
bishop

A. D. 1167. bishop paid any attention to this honest exhortation. Indeed he could not do so, without allowing, that Henry's endeavours to reform such grievous abuses were necessary and loudable.

V. Epist. 53.
ut supra.

In one of these conferences with the persons employed by Becket, Matilda said, "*that the king had concealed from her all his intentions and counsels with relation to the church, because he knew she was inclined to favour the clergy.*" If this was true, it is a very remarkable proof of the caution and reserve, with which he trusted even those who had the most of his confidence: a part of wisdom very necessary at all times to a prince, and particularly so to him in this instance, if Matilda spoke her real thoughts to the agents of Becket. For, when the constitutions of Clarendon were read and explained to her, she expressed a disapprobation of most of the articles, and blamed the king for having put any of those customs *in writing*, and for having insisted that the bishops should *swear* to observe them; because his predecessors had not thought that these precautions were necessary. To account for this difference between her sentiments and those of her son, on this point, it may be sufficient to observe, that she was now drawing very near to the end of her life; and that probably the pope, before he enjoined her to mediate in this dispute, had taken care, that she should know his opinion of those customs.

V. Epist. 53.
ut supra.

After much discourse with Becket's agents, she pressed them to tell her, what they thought might be a foundation for her to proceed upon, in negotiating a peace between her son and the church. One of them proposed to her, "*that without any promise or written laws, the ancient customs of the kingdom*"

“kingdom should be observed, with such moderation,^{A D. 1167.}
“as that neither the liberty of the church should be ta-
“ken away by the secular judges, nor the bishops
“abuse it, as he acknowledged they had done:” and
 to this she assented. What Henry said to it we
 know not: but if we may judge of his sentiments
 from a letter he wrote at this time to the college
 of cardinals, he was far from desiring a reconcili-^{V. Epist. 41.}
 ation with the church, upon terms so different^{l. iii.}
 from the ideas on which he had acted, and liable
 to so much dispute for the future. For there he
 declares, with all the spirit belonging to his charac-
 ter, *“that while he had life, he would not suf-*
“fer the least diminution of those rights of his crown
“and customs of the realm, which his illustrious pre-
“decessors had enjoyed and maintained, in the time
“of holy Roman pontiffs.” And the utmost ad-
 vance he makes is a general promise, *“that if,*
“after having heard what he had to alledge in
“vindication of himself, the pope should be of o-
“pinion, that he had done wrong, or gone too
“far in any particular, he was very willing to
“do whatsoever might be proper, as he should
“be advised thereupon, by his clergy and barons,
“agreeably to the customs, the dignity, and the ma-
“jesty of his kingdom.”

This was keeping the affair in the hands of
 his parliament, and even tying them down, in
 any counsel they should give him, to a conformi-
 ty with his laws and royal prerogatives. He fur-
 ther added, *“that if any person should attempt*
“to obstruct those laws and prerogatives, or any wise
“derogate from them, he should esteem him a publick
“enemy and manifestation to the kingdom.” There^{V. Epist. 41.}
 is also a letter written by Matilda to Becket, after^{l.}
 she had begun to negotiate with her son, and knew
 his

A. D. 1167. his mind, in which she affirms to that prelate, and bids him reckon upon it, as a most certain truth, “*that it would be impossible for him to regain the king’s favour, unless by great humility and most evident moderation.*” It appears by another letter, that the archbishop of Rouen was joined by Alexander in this mediation with the empress; and that Henry, in his answer to that prelate’s exhortations had complained of Becket, as having acted against his person and kingdom, *in a very iniquitous, insolent seditious, and rebellious manner: most wickedly endeavouring to defame his reputation, and, as far as he could, to diminish the dignities of his realm.* But the negociation was ended by the death of Matilda. On the tenth of September, in the year eleven hundred and sixty seven, she died at Rouen, to which city, she had been a munificent benefactress, having built there a stone bridge, which was accounted one of the noblest works of that age: the river Seine, which it traversed, being deep and broad, in that place, and the tide flowing with great strength. Her bounty was likewise displayed in many pious and charitable donations, exceeding those of any king contemporary with her in the whole christian world. Nor yet was she satisfied with the acts of publick spirit and charity done in her life-time, but left by her will large sums of money to lepers and other poor people, as well as to convents and churches; which her son paid with a most exact and honourable fidelity, according to her directions. When he had acquitted himself of that duty, and seen her body interred, as she had desired it might be, in the abbey of Bec, he sought a remedy for his grief by renewing his attention to publick business.

The earldom of Montagne, which had descended

V. Epist. 44.
l. ii.

V. Chron.
Beccens. sub
ann. 1167.

Chro. Norm.
sub ann.
1166.

See also An-
tiquities de
la Ville de
Rouen.

ed from King Stephen to his younger son William, A. D. 1167. was, on the decease of that monarch, considered as an escheat, and granted by Henry in the year eleven hundred and fifty nine, to his own youngest brother, who dying without issue, in the year eleven hundred and sixty four, this great fief was re-annexed to the demesne of the dukes of Normandy, from which it had been formerly granted to Stephen by King Henry the First. But the earl of Boulogne, who had married the daughter of Stephen, claimed it in her right. The question was whether the fief was heretable by females: for all were not so at this time. But the custom of making them so being now become general, the pretension of this prince was supposed to be equitable, and strongly supported by his brother, the earl of Flanders. Whether they made their demand immediately after the death of William Plantagenet, or not till the year eleven hundred and sixty six, when the affairs of Henry being more embarras'd, he cou'd less safely resist an application of this nature, I cannot discover: but it appears that they press'd it during the course of that year, and also another pretension of the earl of Boulogne to some revenues in England, which as he has asserted, belonged to him *by ancient right*. V. Epist. 24. l. i. These must have been the grants made by William the Conqueror to Eustace earl of Boulogne; and as Stephen had possessed them by virtue of his marriage with the daughter of Eustace, so his daughter, to whom the rights of her mother had devolved, might give her husband a title to them indisputably good. But it is probable that King Henry, upon the death of her brother, and while she was still in her convent, had given them to some baron, whom he was unwilling to deprive of them upon her quitting the veil. Whatever his reasons may have been, he rejected the demand of
the

A. D. 1167. the earl of Boulogne, both with relation to these, and to the earldom of Montagne; which so exasperated the two brothers, that the jointly formed a design of invading his kingdom, while he was detained on the continent, and necessitated to employ a great part of his strength, in sustaining the war against Louis. Six hundred vessels were prepared by the earl of Boulogne, to carry over into England an army of Flemings; and I doubt not that the plan of this invasion was concerted with the kings of France and of Scotland, and with the princes of Wales. Perhaps too they might count upon the intended excommunication of Henry by Becket, and upon the interdict with which he threatened the realm; from whence it was probable such intestine commotions might arise, as would greatly favour their purpose. It has been mentioned before, that the close alliance of Henry with the earls of Flanders and Boulogne, was one of the reasons that made him not very solicitous, in the first years of his reign, to re-establish the maritime power of his kingdom, which had declined under Stephen; as he thought it certain that their shipping would on all occasions be employed rather to serve than annoy him. But there is no permanent safety in any reliance on a foreign defence, especially if it produces or encourages a neglect of any necessary part of the national strength. This Henry now experienced; and he might have suffered extremely by the low state of his navy, if the number and discipline of his English militia had not supplied that defect. Richard de Luci, as grand justiciary, and guardian of the realm in the absence of the king, commanded these forces; the earls of Leicester, at this time, being disabled from acting, by an ill state of health, which not long afterwards caused his death. By the care and conduct of Richard,

all

See the foregoing book,
p. 172.

all the coasts were so covered with large bodies of soldiers, whom the laws of those times had trained to arms, and enabled the crown to call forth, upon any emergency, for the defence of the kingdom, that the two earls were deterred, notwithstanding the superiority of their maritime forces, from attempting to land. Yet Henry, in all whose counsels resentment yielded to policy, being apprehensive that their enmity might hurt him on the continent, and encourage the king of France to continue a war, which he desired to end, offered the earl of Boulogne, in lieu of all claims, an annual pension of a thousand pounds sterling, which in those days was equivalent to one of fifteen thousand in these. Both the brothers hereupon declared themselves satisfied; and the earl of Boulogne obliged himself, by the conditions of the treaty, to serve the king as his vassal; the pension he was to receive being considered as a *benefice*, which required from him a return of homage and fealty. These stipulations were in reality of much the same purport with the *subsidiary treaties* of our times. And certainly, though it is dangerous and impolitical in a government, to trust its defence and security to foreign forces *alone*, or to place its *chief dependence* upon any aids from abroad; yet to corroborate and encrease the strength of a nation by treaties of this kind with foreign powers, has ever been esteemed an act of good policy, and practised by states the most renowned for their wisdom and military virtue. The kings of England particularly, even those of the highest spirit and most warlike dispositions, have continually done it, from the earliest times. But they took great care that the payment of these stipulated pensions to foreign princes should not be construed to imply any *dependence* on those to whom they gave them; but should appear to be an act of political prudence, in which, though the interest of both the contracting

A. D. 1167.
Gerv. Chro.
sub ann.
1167.

Epist. 44.
l. i.

See P Daniel
Histoire de
la Milice
François,
t. i. l. ii. p.
146, 147.

A. D. 1167. parties was considered alike, yet *the superiority* was supposed to be on the side of *the giver*. William of Malmfb. tells us, that King Henry the First, when Robert the Second, earl of Flanders, arrogantly demanded of him a pension, or annual subsidy, of three hundred marks, which the earl's father had received from William Rufus, returned this answer, "that the kings of England were not accustom'd to pay *tribute* to the Flemings; nor would he, through fear, bring a stain on the independence and liberty of his crown, which his predecessors had maintained. If therefore the earl, would trust to his inclinations, he would, when he found occasion, *give to him*, as to a relation and a friend; but any *demand* of this nature should be absolutely refused." This was a declaration agreeable to the wisdom and dignity of that king; but, having shewn a proper spirit in resisting the claim, he afterwards followed the policy of his father and brother, in attaching to himself, by a subsidiary treaty, the master of a country, which was so conveniently situated either to assist or annoy the realm of England.

See Rymer's
Fœdera, v. i.

Ibidem, p. 25. See it also in the Appendix to this book. Similar measures were taken by King Henry the Second. In the year eleven hundred and sixty three he concluded a treaty with Theodorick earl of Flanders, and Philip, his son; by which they agreed to become vassals to him and his son, the heir apparent of his crown, in consideration of a yearly pension of five hundred marks; four hundred of which were to be paid to Theodorick, and, after his death, to his son; and one hundred to his consort, the countess of Flanders, who was aunt to King Henry: but, in case of her death, the whole sum of five hundred marks was to be paid to the earl. This pension is declared by the words of the treaty to be a *feudal grant*; and, in return for it, besides the homage and fealty, which the earl and his son were obliged to, they particularly promised,

promised, that they would faithfully assist the king^{A. D. 1167.} and his son to maintain and defend the kingdom of England against all persons whatsoever; only with a reserve of their fealty to Louis their sovereign; and that, in case of an invasion of the said kingdom by any other foreign power, or of any considerable rebellion within it, the one or the other of them would come to the assistance of the king and his son, *with a thousand knights, or military tenants, each of whom* (as appears by one article of the treaty) *was to bring with him three horses.* The term of their service was not limited to any number of days, but was to be regulated by the necessity which called them over. And they were bound, if required, to take an oath to the king, upon their arrival in England, that they would be true to his service. The king, or his son, was to find ships to bring them over and carry them back into Flanders, and was to maintain them the whole time of their abode in England, and indemnify them for all losses sustained by them there, in the same manner as was customary with respect to the knights of the king's own household. Certain cases were mentioned, in which the earl and his son were to be freed from the obligation of coming over to England and serving in their own persons; but no exception was specified with respect to the troops, which, even in case of an invasion from the king of France, were to be sent into England, when summoned by Henry, and to be ready to embark within forty days after the summons were received. The earl and his son were to use their utmost endeavours, by counsels and entreaties, to hinder the king of France from invading England in person; but, if he should invade it, and bring over with him either the earl or his son, they promised to come with as few of their own forces as they possibly could, without incurring a forfeiture of the fief they held of the French crown.

A. D. 1167. By another article of this treaty any vassals of Flanders were permitted to serve the king of England or his son; and a free passage was allowed to them from the several ports of Flanders, or of the earldom of Boulogne.

These were the principal articles relating to England. There were others by which the earl of Flanders and his son engaged likewise to bring some cavalry to the king or the prince, in Normandy or in Maine, upon terms somewhat different, which it will not be necessary to particularise here. The whole was formed upon the plan of a subsidiary treaty, or convention, made in the year eleven hundred and one, and renewed two years afterwards, by King Henry the First, with Robert the Second, earl of Flanders. A transcript of it from Rymer's *Fœdera* is inserted in the Appendix belonging to this book, as it contains many things, which, to the curiosity of an antiquary, may be worthy of notice.

V. Annales
Baron.
1167. &
Francisci
Pagi Brevi-
ar pontif.
Otho Muro-
na, sub eo-
dem anno. et
Chron. apud
Murat.
V. etiam
Chron. Tri-
vet. sub eo-
dem anno.

While these affairs were transacting on this side of the Alps, Pope Alexander had in Italy experienced two great revolutions of fortune. The emperour's arms, in the spring and summer of the year eleven hundred and sixty seven, had been so successful, that he had entered Rome as a conqueror, and had caused himself and the empress to be crowned by the antipope, on the thirtieth day of July, in the church of St. Peter; Alexander having been forced to yield to his competitor the Lateran palace, and fly to Beneventum. But, on the second of August, the imperial army was attacked by a pestilential fever, caused by the bad air of Rome, which at that season of the year is mortal to strangers, especially after rain, a great quantity of which then happened to fall, and was immediately succeeded by violent heats. The distemper raged with such violence, that in six or seven days the emperour lost the greatest part of his forces, and

and almost all the nobility that attended him in this expedition, among whom was his chancellor, the archbishop of Cologne; his cousin-german, the duke of Rotenburg, who was son of the late emperor, Conrade the Third; and several other great princes and counts of the empire. To save the remains of his army, he was obliged to retire from Rome and the Campania; but the contagion pursued him: two thousand died on their march, before he could get into Lombardy: and most of those who survived continued for some time in a sick and languid condition. This sudden calamity, which Becket, in a letter to Alexander, compares to the destruction of the Assyrian army under Sennacherib, gave such a weight to the sentence of excommunication and deposition, which that pontiff soon afterwards pronounced against the emperor, that most of the cities in Lombardy revolted from him: and Rome itself would have returned under the power of Alexander, if the hostages given to the emperor by the principal citizens had not restrained the senators from admitting him within their walls.

Such was the state of affairs in Italy, about the time when the legates, sent by Alexander to Henry on Becket's affair, came into France. They had set out from Rome at the beginning of January, but did not arrive at Montpellier till the end of October in the year eleven hundred and sixty seven, having, in order to avoid the emperor's troops, or from other secret reasons, been much delayed in their journey. On their coming into France, Cardinal William of Pavia wrote to Becket a very civil and amicable letter, excusing some appearances in his past conduct, which that prelate might have seen in disagreeable lights, by the necessity he was under of endeavouring to gain such a credit with the king, as might render his intercessions for peace more effectual. To this Becket wrote an

- A. D. 1167. answer so rude and offensive, that John of Salisbury, to whose inspection he thought proper to submit it before it was sent to the cardinal, frankly told him,
- V. Epist. 20. 1. ii. “ that, in his judgment, *a courier of the pope ought not to have received such language from him*; and
 “ that, if the cardinal were to send both letters to the pope, *his own writing would convict him of the charge of rancour and contumacy brought against him by the king.*” Whereupon he wrote another, and then a third, which he likewise submitted to the correction of his friend; but still there remained such a bitterness and virulence in the style, that John of Salisbury expressed himself much dissatisfied with them, and composed one for him, which was probably sent to the legate. He himself wrote another, full of the grossest adulation, to Cardinal Otto, the colleague of William of Pavia, who, he thought, was less his enemy, though not much his friend. Notwithstanding the notoriety of his being displeased with the legation itself, as unnecessary and hurtful to his affairs, he told this legate, “ *that upon the news of his coming the whole congregation of Christ’s banished flock triumphed with joy and thanksgiving; as if an angel had been sent down from heaven to comfort the church and free the clergy*: and that, although his colleague was suspected by many, as a favourer of the king, and capable of being corrupted to the ruin of the church: yet it was believed, *that he, with Moses, had the angel of the Lord, that is, the holy spirit, going before him in the law; who would always protect him, and not suffer him to have another God, or to prefer either rewards, or person, or cause, to the divine word.*” In another part of this letter Becket expresses a hope, that the suspicions conceived of William of Pavia might be false, and that his intimacy with Henry might turn in the end to the deliverance of the church, the salvation of the king, and the glory of God: but cautions both the le-
- gates

gates not to put any confidence in those false prophets, A. D. 1167.
those Balaams, the English bishops; and tells Cardinal Otto, that he believes him to be “the man
 “of God, sent into England to relieve the desolate
 “Shunanite, and cure the powerful Syrian of his le-
 “prosy; but at the same time to inflict on the Gebazis
 “who followed him the punishment they deserved.”

And, among the effects which he expected from the recovery of Henry, he mentions a full restitution of all that had been taken from himself and his friends, with security and favour to them, and liberty and peace to the church: adding, “that it was to be
 “hoped from the penitence of the king, that he would
 “not contend any longer for the maintenance of his
 “customs, which the pope had condemned with the
 “unanimous consent of the cardinals; nor require any
 “oaths, which could not be kept without violating the
 “catholic faith and religion.”

All these things were thrown in to make the cardinals sensible of the inutility of attempting, by any gentle methods, to mediate a reconciliation between him and the king, who they might be sure would not yield to such demands. And, as William of Pavia had said, in the letter he sent to him, that he was come, with his colleague, to determine the questions between him and the king of England, he took great umbrage at these words, and wrote thereupon to the pope, “that, from the tenour of V. Epist 21.
 “the letters which he and the king of France had l. ii.
 “received from his Holiness, he had rather expected the consolation of peace, than the confusion
 “which would arise from the decision of questions
 “between him and the king of England.” He likewise ventured to say, “that the cardinal
 “abovementioned was not a person to whose authority or judgement in this cause he ought
 “to be subject; it being contrary to all justice, that
 “he should submit to be tried or examined by one
 “who sought to traffick with his blood. Where-

A. D. 1167. "fore he entreated his Holiness, that he would
 " at least annul the authority of this legate so
 " far, as it had any relation to him or his cause."
 This request was partly founded upon a report, or surmise, which then prevailed, that the see of Canterbury was promised to William of Pavia, if the deposition of Becket should by his means be effected. Whatever truth there might be in that surmise, which certainly does not seem probable, Henry's eager desire that he should be nominated for the determination of this cause, and his known attachment to that prince, were reasons sufficient to justify the archbishop in excepting against him as a judge. But since there was no likelihood that Alexander, to whom he had done many services, should revoke the commission he had given him, these complaints and declarations of ill humour in Becket could do that prelate no service, but might anger the pope, and render the conditions of that reconciliation, which this cardinal was employed to mediate for him, still less advantageous.

V. Epist. 24. The two legates, in a joint answer, which they
 A. II. made to his letters, expressed themselves much dissatisfied at his loading their negotiation with so many difficulties, which they thought insurmountable; and plainly told him, that the insisting on such points at this time, particularly on the restitution of all that had been taken from him and his followers, would be very imprudent, and was what, without the knowledge and consent of the pope, they would by no means agree to. After many peevish and affected delays on his part, they had a conference with him, on the nineteenth of November, in the year eleven hundred and fifty seven, at Planches, a town of the French Vexin. On their return into Normandy they sent the pope an account of what had passed in that meeting. In this
 V. Epist. 26. letter they say, " that, upon their arrival in King
 A. II. Henry's

“ Henry’s dominions, they found the difference A. D. 1167.
“ between him and Becket much more inflamed
“ than they wished : for he himself and the better
“ part of his court affirmed, that the archbishop
“ had vehemently excited the king of France a-
“ gainst him, and had also induced his relation,
“ the earl of Flanders, who before had been void
“ of any rancour towards him, to defy him on a
“ sudden, and do all that was in his power to make
“ war upon him ; as he certainly knew, and as,
“ by evident indications, was sufficiently apparent.”

They then proceed to acquaint the pope, “ that,
“ in their first audience of Henry, they delivered
“ into his hands the letters they brought, which
“ having read and considered, and finding them
“ less satisfactory to him than some others, which
“ his Holiness had sent him before, on that affair,
“ he shewed great indignation ; and the more,
“ because, as he told them, he undoubtedly knew,
“ that since their departure from Rome the arch-
“ bishop had received letters, which entirely ex-
“ empted him from their jurisdiction. He like-
“ wise affirmed, with the concurrent testimonies of
“ all the bishops there present, that what his Ho-
“ liness had been told concerning the ancient cus-
“ toms of England was not founded on truth : and
“ further offered, that if any, which were repug-
“ nant to the ecclesiastical laws, should appear
“ to have been *added in his time*, he was willing to
“ annul them according to the judgement of his
“ Holiness.”

I need not observe that in this offer the king
risqued nothing ; but the legates continue their
narration by saying, “ that they had laboured,
“ conjointly with all the principal clergy of Hen-
“ ry’s dominions, to prevail upon that monarch
“ to approve of their acting, not only as judges,
“ but also mediators, between him and the arch-
“ bishop, that all hope of a reconciliation might
“ not

A. D. 1167. “ not be cut off; and had sent their own chaplains
 “ with letters to that prelate, in which they
 “ named a safe place, where he might confer
 “ with them on the approaching feast of St.
 “ Martin. But he, pretending some excuses,
 “ which they did not think worth repeating put
 “ off the day of their meeting till the nineteenth
 “ of November, at which delay the king ex-
 “ pressed a deeper resentment than they could
 “ have believed. And when Becket, notwithstand-
 “ ing the offer they made him of a safe con-
 “ duct, would by no means consent to meet
 “ them on the borders of Henry’s country ad-
 “ jacent to the French territory, they so far de-
 “ ferred to him, as to repair to a place within
 “ the bounds of that territory, which he ap-
 “ pointed himself, lest his being deprived of the
 “ benefit of this conference should be imputed to
 “ them.”

Considering the respect which Becket owed to the dignity of the legates, and the professions he had made to Cardinal Otto, his behaviour on this occasion can be only accounted for, by the arrogance of his temper, and a fixed resolution to avoid, or at least to delay, any treaty with the king. For he certainly could not justify the distrust he expressed of that monarch, in refusing to meet the legates at the place they appointed, even with a safe conduct. There was indeed no occasion for any security, except the honour of those ministers, which Henry, for his own sake, would not have violated. They go on to tell the pope, “ that they had begun the conference with
 “ the archbishop, by endeavouring to persuade,
 “ and earnestly exhorting him to shew such hu-
 “ mility towards the king, who had heaped upon
 “ him so many benefits, as might afford them
 “ some matter whereon to ground a negotiation
 “ for making his peace. To which he had an-
 “ swered

A. D. 1167.

“ fwered, after a private confultation with his
“ friends, that he would *fufficiently* humble him-
“ self towards the king, *faving the honour of God,*
“ *the liberty of the church, the dignity of his own*
“ *person, the poffeffions of the churches, the juftice due*
“ *to himfelf and thofe who belonged to him.* That,
“ upon his enumerating all thefe exceptions, they
“ had urged to him the neceffity of fpecifying
“ his demands; which he not doing, they asked
“ him, whether, upon the points that were fpe-
“ cified in the letters of his Holinefs, he would
“ fubmit to their judgement; as the king and the
“ appellants biffhops had promifed to do; To which
“ he immediately answered that he had not re-
“ ceived from his Holinefs any fuch command;
“ *but, if he and all who belonged to him were firft*
“ *absolutely reftored, he would then proceed in this*
“ *matter according to the orders he fhould receive*
“ *from the apoftolical fee.* That the conference
“ being thus ended, and his words having been
“ fuch as had no tendency either to a trial of his
“ caufe, or an agreement with Henry, they had
“ made their report to that monarch, concealing
“ many things, and foftening others, as well as
“ they could. Whereupon the king and his chief
“ nobility began to affert, *that he was now fully*
“ *cleared by the archbiffhop’s refufing judgement.”*

Againft the truth of this conclufion nothing is
faid by the legates: but they add, “ that the Eng-
“ lifh prelates, with many of the clergy there
“ prefent, earneftly enquired of them, whether by
“ any fpecial mandate, or by their general legan-
“ tine powers, they could compel him to *fubmit*
“ *to their judgement?* And finding their authority
“ infufficient, either to determine the caufe, or to
“ protect the appellants againft the archbiffhop,
“ they had unanimoufly agreed to renew their ap-
“ peal to his Holinefs, till the next feaft of St.
“ Martin; in the mean while putting themfelves
“ and

A.D. 1167. “and the whole realm of England under his protection.”

This was procuring another year of delay, in the course of which they might hope for some alteration in their favour, either from the distress of the pope, or, perhaps, from his death. The legates gave their consent to it, at the same time informing Alexander, “that they had forbidden Becket to attempt any thing, during this interval, against the subjects or kingdom of England.” And they concluded with exhorting him to proceed in this affair with great circumspection.”

But Becket himself wrote to Alexander an account of what had passed in this interview with them, which contains some particulars not mentioned in theirs, and a laboured defence of his own conduct. After thanking his Holiness for having abridged the authority given at first to the legates, he excuses his having put off the time of his meeting them a little longer than they desired, because he could not assemble so readily his exiled friends, whose attendance and advice he thought he might want. As to the charge brought against him of having incited the king of France and the earl of Flanders to make war upon his sovereign, he says in general, “that he had effaced those suspicions with true and probable arguments; and that the king of France himself, on the following day, had, in presence of the cardinals, so far as he was concerned, *upon oath attested his innocence.*” He adds, that God, the searcher of all hearts, knew he was free from this offence; for he was not so ill read in the scriptures as to think, that, in such a cause, a priest ought to employ carnal weapons, instead of spiritual, or trust in princes or in the arm of flesh.” He then relates to the pope another particular of his discourse with the legates, not related by themselves, “that he

V. Epist. 30,
L ii.

“ he was asked by the cardinal of Pavia, whe- A. D. 1167.
“ ther (as he was no better than his predeceffors)
“ he would promise the king, in their presence, to
“ maintain all those customs, which, under former
“ kings and archbishops of Canterbury, had been
“ maintained ; and so, complaints on both sides be-
“ ing quieted, regain his archbishoprick and the
“ king’s favour, if they could be obtained for
“ him? To which he replied, that none of his
“ predeceffors had, by any king, been constrained
“ to make such a profession: nor would he ever
“ promise obedience to customs which destroyed
“ the liberty of the church of God, tore up the pri-
“ vileges of the apostolical see, and were plainly
“ repugnant to the divine law; customs, from
“ the observance of which he had been graciously
“ absolved by his Holiness, in the presence of
“ them and many others at Sens.” He added,
“ That, by God’s grace, he should never forget
“ those words of his Holiness, which so well be-
“ came an apostolical mouth, *that they ought rather*
“ *to yield up their necks to the sword or the axe, than*
“ *consent to such wickedness, and so forsake their*
“ *pastoral charge, out of a scandalous attachment to*
“ *temporal things, or an inordinate love of life.* Af-
“ ter this, the constitutions of Clarendon being
“ read, he asked the legates, “ Whether they
“ could be observed, or even connived at, by a
“ priest, without bringing both his order and his
“ soul into danger?” Adding, that he had sworn
“ fealty to the king *saving his order*, and would
“ so keep it to him, as not to give up the faith
“ he owed to God. But being exhorted to com-
“ ply for the peace of the church, he urged the
“ danger of the precedent; that no person would
“ afterwards dare to open his mouth for ecclesiastical
“ liberty; that, when the pastors gave way
“ in such a cowardly manner, none else would
“ contend for the defence of the house of Israel;
and

A. D. 1167. “ and that neither his Holiness, nor any apostolical man, had ever instructed the church by such examples.”

These are the principal points in which the letter of Becket differs from that of the legates ; but in the bitterness of his heart he could not help filling it with the sharpest invectives against the appellant bishops ; reminding the pope, *That they who now thirsted for his blood were the same, who, upon the demand of his pall, had expressed by their letters the most entire approbation of his election, and bestowed on his person the highest encomiums ; though, at present, contradicting both truth and themselves they had, by the impudence of lying and flattering, made themselves contemptible ; and, like the slaves in ancient comedies, first affirmed, and then denied, at the nod of their master.* He also complained to his Holiness, “ That, besides the churches of Canterbury and Tours, the king had for a long time detained in his own hands *no less than seven vacant bishopricks in England and Normandy, and suffered no pastors to be ordained in them.* He adds, that the clergy were given up to the soldiers of that prince to be trampled upon and made their pray. He asks the pope, how he will answer the enduring of this at the day of judgement ? Who will resist Antichrist at his coming, if so little opposition is made to the vices and crimes of his foreunners ?” *It is, says he, by such forbearance on our side, that the powers of the world grow insolent ; kings become tyrants, so as to imagine that no right, no privilege, is to be left to the church, unless at their pleasure. But blessed is he who takes and dashes their little ones against the stones. For if Judah, according to the command of the law, does not root out the Canaanite, he will grow up against him, to be perpetually his enemy and his scourge. Take courage, father and be strong ; for more are with us than*
“ against

“*against us. The impious Frederick has already been* A. D. 1167
 “*crushed by the Lord, who will soon crush others*
 “*also, if they do not repent, and make their peace*
 “*with the church.*” Then referring his Holiness to a verbal account, from the messengers he sent to him, of some particulars which he did not think proper to write, he addressees him thus; “Of this
 “let your *serenity* be well assured, that, if I would
 “from the beginning have acquiesced in those
 “wicked customs, I should not need the mediati-
 “on of any cardinal, nor indeed of any man li-
 “ving. In vain do they plead in defence of them
 “the example of the Sicilians or the Hunga-
 “rians, which would not excuse us in the day
 “of judgement, if we should prefer *the bar-*
 “*barism of tyrants* to apostolical institutions, and
 “believe that *the insolence of secular powers*
 “should be the rule to direct our life, rather than
 “the eternal testament, confirmed with the blood
 “and death of the son of God.” He then com-
 plains very bitterly of the persecution he had suf-
 fered for the sake of the church; and asks the
 pope, “Whether it ought to be the fruit of his
 “labour and exile, and of the opposition he had
 “made *to the fiercest oppressor of the church*, in de-
 “fence of its freedom, that, after so many mise-
 “ries sustained by himself, and by those who were
 “banished on his account, instead of the consola-
 “tion which he had so long expected, and the
 “vengeance due from God and his Holiness to the
 “injury done to Christ Jesus, he should, by the
 “authority of this legation, be vexed with delay
 “and chicanery, year after year, and at last have
 “the right and justice of his cause turned to
 “the ruin of himself and his unhappy friends.”

Such was the letter of Becket on this occasion; a letter full of that mixture of passion and cunning, which is one distinguishing mark of his singular character! I would observe upon it, that the testimony of Louis, alledged by him in vindica-
 tion

A. D. 1170. tion of himself from the charge of having incited that monarch to make war upon Henry, may so far be true, as that he did not *directly instigate or advise him to do it*; but, that by indirect methods, by poisoning his mind with jealousies and suspicions, and inflaming his bigotry against an oppressor and persecutor of the church, he disposed him to break all friendship with that prince, can hardly be doubted, if we consider the rancour expressed in his letters, and the whole tenour of his conduct. The probability of it is further confirmed by the manner, in which one of his nearest and most intimate friends wrote to him, and to others, upon the events of this war, and of other quarrels wherein their sovereign was engaged; expressing great satisfaction when his enemies seemed to have any advantage over him. That similar arts were used to incense the earl of Flanders one may reasonably suppose: nor was it difficult for one so experienced in the world as Becket had been, to do this in a manner that would finally answer his purpose, without committing any open or positive act of high treason.

V. Epist. 163
168. l. i.

V. Epist. 34.
l. ii.

With regard to the complaint, which Becket makes, of Henry's keeping seven bishopricks in England and Normandy too long unfilled, it must be observed, that if, during the absence of that prelate, the vacant sees in this kingdom had been filled up, the persons elected to supply them could not have been consecrated without an offence against his metropolitan rights. It appears that Henry was desirous to fill them up at this time, by the intervention of the legates: but the pope, at Becket's request, had, by a particular mandate, restrained them from interfering in that affair till the archbishop should be entirely reconciled to the king. What occasioned the delay in the Norman sees is uncertain: but it probably was some good reason; as we do not find that the legates made any remonstrances to the king on that article, or took any notice of it in their letter to the pope.

Henry

Henry was much discontented at the report of ^{A. D. 1167.} the conference with the archbishop, and still more at the inability which he found in the legates to do him any service. On their return into Normandy, he pressed them to hear his cause with Becket, and offered to give them any security they should ask, ^{V. Epist. 26.} that he would stand to their judgment on every ar- ^{l. ii.} ticle, *if they would render to him what even the lowest of men had a right to demand from them, justice.* They replied, that their commission was not to judge, but amicably to compose his disputes with that prelate. At the end of this conference he said publickly, and even in their hearing (if we may believe an anonymous letter to Becket) ^{V. Epist. 6.} *that he wished his eyes might never more see the face of a* ^{l. ii.} *cardinal.* Nevertheless, when they afterwards had their audience of leave, he begged their assistance and intercession with the pope *to rid him of Becket,* and spoke with so much emotion, that he even shed tears; “at which (says the letter-writer) “Cardinal William of Pavia seemed also to “weep, but Cardinal Otto could hardly forbear “from laughing.” And he adds, “that the latter gave notice to the pope, by a secret channel, that he never would be concerned in the “deposing of Becket, nor consenting thereunto; “*though the king seemed to desire nothing but his “head in a charger.”*

All the appellants English prelates now wrote to his holiness most bitter complaints of the archbishop's behaviour, with relation to themselves, the ^{V. Epist. 33.} church, and the kingdom. They said, “*he declined to pay the king forty thousand marks, or more,* ^{l. ii.} *(as his own people affirmed) or even to make up any account; and denied to his sovereign and his master what he ought not to deny even to a heathen or publican.”* The embezzlement was enormous: for the sum he was charged with was equivalent in those days to above four hundred thousand pounds in

A. D. 1167. these. And the bishop of London, in a publick assembly before the legates, enlarged upon that point, and treated Becket's defence with ridicule and contempt, saying, "*the archbishop thought, that, as sins were remitted by baptism, so debts were discharged by promotion.*" The plea indeed was ridiculous, and this Becket well knew; for in the abovementioned letter he told the pope, *that although he had a confidence in one of the legates, yet there was no man but his holiness to whom he would venture to commit this cause of the Lord.*

V. Epist. 49.
l. i.
See also Appendix.

That pontiff, before he departed out of France, had granted to this prelate a very extraordinary brief, in which, *by virtue of his own apostolical power*, he reversed and annulled the sentence past by the bishops and barons at Northampton, which on account of Becket's contumacy in his suit with John the king's mareschal, had declared all his goods to be forfeited to the king; "*because (says the brief) an inferiour cannot judge a superiour, especially one to whom his obedience is due; because all the goods of the archbishop belong to the church, which ought not to suffer any loss or inconvenience for the faults of its pastor; and because the sentence was contrary to the ecclesiastical usage, and the forms of the canon law.*" But, even under the protection of such an exemption from the authority of all laws except those of the church, Becket could not be safe from the demand of a debt incurred *before he was a bishop*, during the course of his administration in a civil employment; the equity of that demand being submitted to the judgment of legates from the pope. He therefore desired to avoid any trial upon it, and decide it more advantageously by excommunicating Henry, and forcing him to purchase absolution by an act of grace and oblivion. But, to his great mortification, soon after the conference between him and the legates, in which he declared, he would not submit to their judgment,

judgment, *unless he and his friends were first re-* A. D. 1168.
stored, a condition he was certain the king would
 refuse, he received from them a letter, forbidding V. Epist. 29.
 him to pronounce any sentence of interdict against I. ii.
 the realm of England, or to excommunicate
 any person within that realm, till the affair
 had been brought before the pope, and till his
 pleasure thereupon should be known : which
 mandate they grounded upon the authority of
 Alexander himself, signified to the appellant bi-
 shops in letters from that pontiff, produced by
 them to the legates. He had entertained no ap-
 prehensions of this prohibition, when he gave his
 holiness an account of the conference with the
 legates, in the manner related before ; and it
 grieved him so much, that, in the dejection and
 agony of his mind, he again *prayed* to the pope, V. Epist. 47.
 as he had done when the two cardinals came first I. ii.
 into Normandy, with very indecent and profane
 applications of scripture. Not long afterwards
 he received a letter from Alexander, in which, V. Epist. 94.
 after exhorting him not to sink under the weight I. ii.
 of his afflictions, but remember, that “ *blessed*
 “ *are they who suffer persecution for righteousness*
 “ *sake,*” that pontiff gave him this judicious and
 friendly admonition ; “ Where you are certain
 “ that justice and the liberty of the church are
 “ *greatly* injured, do not endeavour to make your
 “ peace with the king to the depression and dimi-
 “ nution of the ecclesiastical dignity : but never-
 “ theless, as far as it can be done, saving *the ho-*
 “ *nour of your office* and the liberty of the church,
 “ *humble yourself to him*, and strive to recover his
 “ favour and affection ; *neither be too much afraid*
 “ *of him, nor require greater securities than you need.*”
 If the archbishop had discreetly followed this
 counsel, it would have prevented his death : but
to humble himself was a lesson he could not learn,
 nor did he think it consistent with *the honour of his*
I. 1 2
office.

A.D. 1168. *office.* This letter had therefore no effect on his conduct: and, as he was stopt by the pope's mandate from any hostile proceedings, nothing material was done, with relation to the difference between him and the king, for several months. But soon after Midsummer, in the year eleven hundred and sixty eight, the earl of Flanders, upon some overtures then made by Henry, carried him to wait on that monarch at a certain place on the borders, where a conference between the kings of France and England was appointed to be held.

V. Epist. 20. If we may believe what he wrote himself to the
I. ii. pope, it was thought that a reconciliation might have then been obtained for him on the most advantageous terms. But two ministers, whom Henry had sent to Beneventum, returning from thence at this important juncture of time, brought to that prince a letter from the pope, wherein it was ordered by his holiness, that Becket's spiritual authority over him, or his kingdom, or any persons belonging to it, should be entirely suspended, *till that prelate had recovered his royal favour*: whereupon he was so elated, that he would not so much as see him. And being permitted by Alexander to publish this letter, he sent copies of it to England, and over all the realm of France: nay, he boasted in publick, "*that he had obtained the same privilege as his grandfather Henry the First, who was king, legate, patriarch, emperour, and all that he wished to be, in his own territories.*" This was only an hyperbolical expression of his triumph; and he had reasons of policy to found it as high as he could. But he seems, on this occasion, to have exceeded the limits of his usual prudence. For
V. Epist. 32. he told the bishop of Worcester, "*that he had*
58. I. ii. *now got the pope and all the cardinals in his purse.*" He even declared in his family, what bribes he had given, and to whom of the sacred college.

All

All which was immediately repeated to Becket by friends and spies he had there. A. D. 1168.

What rendered the affliction of that prelate more painful and insupportable to him, was the confidence he had conceived from the prosperous state of Alexander's affairs at the time when this letter was sent. For, by a confederacy of the Lombards, the emperor had been forced to abandon Pavia, which city he had repaired to, after the destruction the sickness contracted at Rome had made in his army; and retiring, or rather flying, from castle to castle, had escaped at last out of Italy, through the territories of Humbert earl of Savoy and Maurienne, which, not without difficulty, were opened to him, in the utmost extremity of his danger, by the intercession of a near relation of that earl, the marquis of Montferrat. He was even forced, when he came to the borders of Savoy, to go secretly off, by night, with only five of his menial servants, and disguised in their habit. Nevertheless some good reasons might prevail with the pope to grant this favour to Henry. He had a cool and sober mind, which was able to preserve in the midst of prosperity a provident attention to future dangers. Frederick indeed had been driven beyond the Alps; but, his person being safe, his power was still formidable; and the losses he had suffered, from a misfortune superiour to all human prudence, were more likely to excite in him a desire of revenge, than subdue or weaken his courage. No regard was paid in Germany to the sentence of excommunication and deposition pronounced against him by Alexander, the summer before. The whole body of the empire remained firm in the party of the antipope. Among a people so numerous, and so warlike as the Germans, new armies might soon be raised, and brought again into Italy, to support the cause of that pontiff.

V. Acerb.
Morenz
contin.
Struv. peri-
od. 7. parag.
2. de Freder-
rico Barba-
rossa. P.
Barre Hist.
d'Allein.
sub. ann.
1168. Fran-
cisei Pagi
Brev. pontif.
sub ann.
The 1167, 1168.

A. D. 1168. The duke of Saxony alone was such a powerful prince, that, whilst he adhered to Frederick, the opposite party might still dread a change of fortune. Alexander's greatest strength was in the protection given to him by the kings of England and France; but the earl of Champagne, who had a governing influence in the French court, wished well to the emperor, and at this very time was endeavouring to negociate a match between a son of that prince and a daughter of Louis. Whether the latter would refuse this alliance was uncertain; and the bishop of London had told Alexander, not long before, in a private and confidential letter, "that
 " *if King Henry should throw off his obedience to him*
 " *as pope, there would not be wanting a person to*
 " *bow the knee to Baal, and take the pall of Can-*
 " *terbury from the antipope's hands, nor others to fill*
 " *all the English sees under that idol with great de-*
 " *votion; and that many already wished for such a*
 " *revolution.*" On the other hand, to have sacrificed Becket to Henry would not only have hurt the power of the papacy and the reputation of the pope, but have exasperated Louis, whose regard for that prelate was become an enthusiasm. Under these difficulties Alexander resolved very prudently to keep the affair in his own hands as long as he could, and prevent either party from going into extremes, which might, in their consequences, endanger his interests. What he wished was, that Becket might be persuaded to desire, and make it his own request, to change his archbishoprick for another out of England. And there is in the Cotton Library a manuscript letter to Henry from Cardinal John of Naples, which affirms to that monarch, "that, if he would follow his counsel,
 " and make a right use of the letters which the
 " pope had sent him, *Becket, seeing himself de-*
 " *prived of all assistance, and certainly knowing,*
 " *that*

Cod. Cotton. MS.
 Fol. Claudius B. ii. f.
 268. b.
 See it in the Appendix.

“ that he could by no means ever return to the see of A. D. 1168.
 “ Canterbury, would voluntarily renounce it, and beg
 “ to be provided for in some other see, where he
 “ might reside.” But in this the cardinal was
 mistaken; and Alexander, who perceived, that
 Becket’s agents at Beneventum were greatly dis-
 satisfied, and that there was reason to apprehend he
 never would consent to any such exchange, thought
 it necessary soon afterwards to write him an apology
 for what he had done; which he chiefly grounded V. Ep. 16.
 on the danger of driving Henry to engage in a l. iv.
 confederacy with the emperor, whom he called
 in his letter *a tyrant, and a flagitious enemy of the*
church: but he assured the archbishop, “ that, if
 “ the king was not reconciled to him by the be-
 “ ginning of Lent (meaning the lent of the year
 “ eleven hundred and sixty nine) he would *then*
 “ restore to him full power to execute the duty
 “ of his office, not only upon particulars of dig-
 “ nity in the state, but upon the kingdom itself,
 “ and the person of the king, without any ob-
 “ stacle of an appeal, if he should find it expedi-
 “ ent for himself; and provided he did it with the
 “ pontifical gravity and deliberation, which such a
 “ proceeding required.”

Before this letter came to Becket, on the first
 notice of that which Henry had published to all
 France with so much exultation, the angry prelate
 had sent to Alexander most pathetick complaints, V. Epist. 14.
 or rather upbraidings, on that subject; his high liv. 46. l. ii.
 spirit being unable to conceal it’s resentment. He
 had written in the same style to the college of
 cardinals, and had engaged some French bishops, V. Epist. 19.
 and even the king and queen of France, to ex- 20. l. iv. 59.
 postulate with his holiness on the injury he had 62. l. ii.
 done to him and the church. After receiving these
 letters the pope wrote to him again, with strong
 protestations, “ that his affection for him was not
 “ declined,

A. D. 1168. “declined, but daily encreased: that he constantly proposed to maintain and preserve, with the most diligent care, his honour and dignity, and the rights of his church; and that he would faithfully keep the promise he had given, by restoring him to the plenitude of his authority on the day he had fixed.” He gave the same assurances to the king of France; but he could not be induced to shorten the term, though he had been informed by a letter from a trusty friend in that kingdom, “that, notwithstanding a caution, which conformably to his orders had been given to Louis, not to be alarmed if he should hear that the English ministers at Beneventum had gained some great point against Becket, *because his holiness would keep the cause of that prelate in his own breast*; he was so much disturbed at the boasts which Henry made of the letter he had received, as to complain that his holiness had broken his word to him, and even to say, in the heat of anger, *that he would not be stopt any longer, out of regard to the see of Rome, from procuring a benefit to himself and his kingdom, as he should find it expedient*,” meaning the projected alliance with the emperour’s son.

V. Epist.
prædict.

Besides the affection this monarch retained for Becket, his own interest now might reasonably incense him against the conduct of Alexander. For the excommunication of Henry would have enabled him to make war against that prince with advantage, or to prescribe the terms of peace. But Alexander pleaded, “that the see of Rome was accustomed rather to suffer any damage and loss to itself by a deliberate conduct, than to sin by precipitation.” In short, he would not be driven, by solicitations or menaces, out of that plan, which he had very judiciously settled, as the best for his interest, and pursued with great skill,

If

If we may believe John of Salisbury, this unexpected suspension of Becket's authority was obtained by William of Pavia, who wrote to the pope, "that he apprehended great danger to himself and his colleague, if the archbishop should pass any sentence against the king or his kingdom, while they continued in his territories." Certain it is from the evidence of Becket himself, who mentioned it as a secret to be revealed to no mortal, except the pope and his own most faithful friends, that a messenger, whom he had sent, about that time, to the legates, had received from Cardinal Otto a private instruction, to let him know, "*that Alexander must not send to them any mandate against the king, whom they would not offend, till they had left his dominions, either out of regard to his holiness, or to any other person.*" Upon which declaration, he immediately dispatched an instruction to his agents at Beneventum, strongly to press the recalling of those legates without delay. Nevertheless it appears by the above cited letter of John of Salisbury, that they were not recalled till the autumn of this year, eleven hundred and sixty eight.

A. D. 1168.
V. Epist.
S. T. Cantu.
108. l. ii.

V. Epist. 109
l. ii.

V. Epist.
prædict.

A little before their departure, Cardinal Otto, in taking leave of the king, made use of that occasion to exhort him to a speedy reconciliation with Becket. He replied, "that, from his affection to the pope and to them, he would consent to let the archbishop return in peace to his see, and *take care of his church and his own business.*" This (whatever limitation he might mean to annex to it by the concluding words) was certainly a great condescension, and such as it is probable he would not *then* have been brought to, if he had not trusted that Becket would refuse to return without many other conditions. After a long dispute with the cardinal about the royal customs, he said, "that he and his children would be content with those
" alone,

V. Epist. 108
l. ii.

A. D. 1168. “ alone, which it should be proved that his ancestors
“ had enjoyed, by the oaths of a hundred men of
“ England, a hundred of Normandy, a hundred
“ of Anjou and of his other dominions. But, if
“ this proposition did not please the archbishop, he
“ was ready to stand to the arbitration of three
“ English bishops, and of three who belonged to
“ his territories on the continent, namely Rouen,
“ Baieux, and Mans. Or, in case that even this
“ should not be thought sufficient, he would sub-
“ mit to the judgment of the pope, with this re-
“ serve only, that his act should not prejudice the
“ rights of his heirs.”

If Becket's objection to the constitutions of Clarendon had been (as some have maintained) that they were *innovations*, the first proposal Henry made with regard to the royal customs would have removed all his difficulties. But it was the discordance of them to *the divine laws* upon which he grounded his opposition; and by *the divine laws* he meant the ecclesiastical canons. All that the church, at any time, had illegally obtained or usurped from the state, he supposed to be it's just right; and all attempts made by the state to recover what it had lost, or to oppose future encroachments, he treated as sacrilege. The king therefore must have been sensible that his first proposal would not be accepted by Becket: he risked more in the second; but, undoubtedly, in the last he went a great deal too far; because, though he articulated that his act should not prejudice the right of his heirs, yet such a concession made for his own life-time, besides the present detriment and injury to the state, would have laid succeeding princes under very great difficulties to recover that right from a power so assisted by the bigotry of the people, and which knew so well how to convert the shortest possession into a permanent claim. In all probability, this was rather a compliment lightly thrown out, to shew his

his desire of an agreement with the church, and to load the archbishop, than a deliberate purpose, upon which he sincerely intended to proceed. Being asked by the cardinal, "what he would do with regard to the restitution demanded by Becket, and to which he was bound in conscience?" he answered, "he would do nothing;" attesting with many strong oaths, *that all he had taken from that prelate himself, or from those banished with him, he had bestowed on poor churches.*

The conference ended with intimations from the cardinal, "that, if he did not follow other counsels, and act with more lenity, *he would be called to an account by God and his church more severely and more speedily than he believed.*" The other legate thought it necessary to speak a similar language in his audience of leave; and he likewise was heard without regard by the king. But, not long afterwards, Cardinal Otto, discoursing with Becket, asked him, *whether he would consent to give up his archbishoprick, on the condition of the king's renouncing his customs?* To which disagreeable question the archbishop replied, "that the case was not equal; because the king was bound in duty, and for the good of his soul, to renounce those customs; but he could not, without betraying the honour of the church, give up his archbishoprick." This answer, artful as it was, appeared so repugnant to the disinterested zeal which he had professed, that the bishop of Worcester said publicly, "*it was now evident, that the archbishop of Canterbury was not sincere in the cause he maintained, but sought his own private interest, not the liberty of the church:*" adding, "*that he himself was ready to give up his own bishoprick on the same condition:*" which words were of no little disservice to Becket; as he who spoke them was esteemed a most zealous churchman. But the friends of that prelate apologized for him by saying, "*that the king might revoke, at pleasure,*
his

A. D. 1168.

V. Epist. 108
l. ii.V. Epist. 110
l. ii.

A. D. 1168. *his benignity to the church, and reduce it again to it's former servitude, or a worse: but, after such an example, no man would again assert it's freedom: for who could have courage enough to take up a cause, in which, and for which, he remembered that so great a prelate had fallen?"* John of Salisbury affirms, in a letter on this subject, "*that, to his knowledge Becket was absolutely determined never to change his see for another, nor desist from prosecuting his right, nor make a peace with the king, if the constitutions, about which the controversy had arisen, were not given up.*" There is also a letter from the archbishop himself, written not long before, wherein he instructs his agents at Beneventum, "*plainly and fairly to let his holiness and his other friends know, that he would sooner suffer himself to be put to death, than to be torn, while alive, from his mother, the church of Canterbury, which had nursed and exalted him to what he was at this time.*" He likewise bid them add, "*that, were there no other objection, but the king's taking from this and other churches in England what of right belonged to them, he called God to witness, that he rather chose to die the most cruel death, than shamefully live, that monarch being permitted to do these things, and not receiving from him the punishment due to them, unless he made satisfaction.*"

Chron. Nor.
sub ann.
1167.

During the course of these transactions Henry's affairs had been embroiled with intestine commotions in several parts of his territories belonging to France. The truce, made in August of the year eleven hundred and sixty seven, between him and Louis, had been a suspension of open, but not of secret hostilities, on the side of the latter, who encouraged some nobles in the dutchy of Aquitaine to take up arms against Henry, with a promise of assistance on the expiration of the truce at the end of the Easter holidays in the following year. The Norman chronicle imputes their intended insurrection to no other cause than a licentious desire of plunder

der and rapine, which, indeed, in that country A. D. 1168.
was often sufficient to excite a civil war. But another Gervase, sub
ann. 1168. historian ascribes it, with more probability, to their discontent against Henry, on account of some franchises he had lately taken from them. A power of oppressing the commons with impunity, was frequently claimed, as a privilege of nobility, by the feudal barons in Aquitaine; but their present duke was not so patient of any franchise of that nature as some of his predecessors. Whatever the cause may have been, the confederacy was strong; and, had the secret been kept till the expiration of the truce, might have produced a diversion of great advantage to Louis. But Henry's vigilance soon discovered, and punished their treason. On the first intelligence of it he marched into Poitou; and, though it was now the middle of winter, laid siege to Lusignan, the principal fortress of the confederate barons, which he presently took and destroyed. When this barrier was broken down all the lands of the insurgents were ravaged by his soldiers, who met with no resistance. Thus, by the great celerity with which he acted, the strength of this rebellion was crushed and overpowered in it's first beginning; after which he left the government of the province to Eleanor, it's natural sovereign, and went back into Normandy. Negotiations for a peace between him and Louis had been carried on for some months. Soon after the first conference of Becket with the legates, John of Salisbury wrote to the bishop of Poitiers, "that Henry and the earl of Champagne were then contending, which of them should outwit the other in the treaty." And he says in another letter, "that the earls of Flanders and Champagne, at the desire of that monarch, had formed the plan of a treaty, and communicated it to Louis, in a great council at Soissons, which seems to have been convened between Christmas and Easter in the year eleven hundred and sixty eight, soon after

V. Epist. 25.
66. l.

A. D. 1168. after the return of Henry from Poitou. The conditions proposed were so fair, and the mediation of the two princes who pressed them upon Louis had so much weight, that, however averse he might be to any peace at this time, he did not think it advisable for him to reject them.

V. Epist. 66.
l. ii. All being agreed to on his part, the earl of Champagne was setting out to wait upon Henry, in order to receive his ratification of the treaty, when an incident happened, which again retarded the peace. The lords of the house of Lusignan, after Henry's departure from their country, had attempted to rebuild their ruined castle; which being informed of, he determined to go instantly thither, and opposed their design, but left full powers to the three ministers of the highest rank in his court, Richard de Humet justiciary of Normandy, the archbishop of Rouen, and Richard de Luci justiciary of England, to conclude the peace for him according to the conditions with Louis had accepted. There was nothing in this proceeding at which that monarch could reasonably take any umbrage; but either he really suspected, or pretended to suspect, that Henry meant to disavow the act of his ministers, with regard to any articles which he afterwards might dislike. Upon this groundless apprehension he acted so violently, that he went directly to Bourges, and made a treaty with the confederate nobles of Aquitaine, by which he engaged to assist them, and make no peace with Henry, till he had obtained one for them with an entire restitution of all they had lost. This put a new difficulty in the way of the mediators, and made Henry apprehend a troublesome war in Poitou as soon as the truce with Louis should expire. He therefore strengthened that province, and all his dominions beyond the Loire, with numerous garrisons; and, having appointed the earl of Salisbury his general in these parts, went to meet the king
of

of France, at a place appointed for their inter-^{A. D. 1168.}view by the former conventions. But Louis refused to see him, unless he would assure to the nobles of Aquitaine a safe peace and restitution of all the possessions he had lately taken from them; yet so as that neither party should be obliged to rebuild the castles or houses they had burnt. He submitted to this, and personally pledged his royal faith to the nobles who treated for Louis, in the absence of that king, that he would observe all the articles agreed upon at Soissons: a reciprocal engagement being taken by them in the name of their royal master, except with regard to one article, which he afterwards gave his assent to, namely the contracting of one of his daughters to Prince Richard Plantagenet. When they had made their report to him of what they had done, he consented to see Henry, and swear to the peace. John of Salisbury wrote to^{V. Epist. 66.} the archdeacon of Exeter, that, before Henry^{l. ii.} could bring the king of France to this promise, he was forced to solicit the assistance of all the friends he could make in the French court; and that applying himself, in a more particular manner, to the bishop of Charters, whose reputation for piety gave him a principal place in the favour of Louis, he implored that prelate, with an air of great cordiality, "*to reconcile him to his liege-lord the king of France, with whom, and for whom, he was ready to go to a holy war against Ægypt.*" The bishop asked, "whether he really meant what *he said?*" To which he replied, "that he did, and had never done any thing "with a better will in his life, if it would please *his lord*, the king, and if that prince would "only give him leave, before he set out, to settle his family and provide for his children," The bishop reported his words to Louis, who answered, "*that he was ashamed of having been so often*"

A. D. 1168. *often deceived; and should never believe that Henry spoke from his heart, till he saw the cross on his shoulder.*" But John of Salisbury says, "that although he expressed such a distrust of the " sincerity of this offer, he yet was influenced by " it in some degree, and inclined the more to a peace on that account."

Ger. Chron.
& Hoveden,
sub ann.
1168.
Chro. Norm.
Epist. 66. l.
ii. ut supra.

While these negotiations were depending, the earl of Salisbury was surprized and treacherously murdered, on his return from a pilgrimage, by Guy de Lusignan, and others of the same family. Henry, who never suffered an outrage of this nature to be committed with impunity, even where his own dignity was not so immediately, and highly concerned, ordered an army to march, with the utmost expedition, against these noble assassins, who refused to obey his summons. Guy, dreading the vengeance impending over his head, fled out of Poitou and went into the Holy Land, where he met with extraordinary revolutions of fortune, an account of which will be given in the latter part of this work. The confederates in his crime found likewise an asylum in the court of King Louis from the punishment due to their guilt; but their lands were all destroyed by Henry's troops. They had the impudence to complain of this to Louis, as a breach of the stipulations between him and Henry: which complaints he received with as much warmth of resentment, as if justice and law had been clearly on their side; insomuch, that he declared, he would not meet the king of England according to his engagement, unless that monarch would first grant a safe conduct to them, that they might attend at the place of conference; and would give hostages to secure them against any injury from himself or his subjects, in coming thither, or during their continuance there, or while they were returning. This declaration might be deemed an act of hostility, rather than a preliminary to the conclusion

sion of a peace, the conditions of which had been A. D. 1168.
 settled. John of Salisbury owns, "that Louis V. Epist.
 " wished for a pretence to break his conventions." predict.
 " He also says, that some thought Henry would
 " not by any means endure such an ignominy, as
 " to be obliged to grant a peace, and make resti-
 " tution, to those who had assassinated one of his
 " peers, and with so much contumacy resisted
 " his orders. But others were of opinion, that,
 " as he was crafty, and saw himself now in great
 " streights, *he would recur to his usual arts of simula-*
 " *tion and dissimulation, and avenge himself on his*
enemies at a more convenient time." Certain it is
 that this prince had sufficient cause to resent the
 proceedings of Louis; but he had likewise strong
 reasons to conceal that resentment, and submit to
 some indignities, which upon other occasions he
 would not have endured, rather than venture to let
 the war be renewed at this very unfavourable jun-
 cture of time. For, as yet, he had not received
 the letter from Alexander, which secured him from
 the censures he was threatened with by Becket.
 Seeds of sedition had been sown and conspiracies
 formed in expectation thereof, not only in Poi-
 tou, but in the dutchy of Bretagne, which he
 governed as administrator during the nonage of
 his son. A secret treaty had been made, not long V. Chronica
 before Easter, in this year eleven hundred and sixty Normannie.
 eight, between Louis and Earl Eudo, against whom
 Henry had given sentence in favour of Conan con-
 cerning their claims to that dutchy; whereby the
 earl, in conjunction with the powerful lords of
 Dinan, engaged to take up arms against Henry in
 those parts, though, by a late compact with that
 monarch, he had been put into possession of a great
 part of Bretagne. Louis promised to assist them
 at the expiration of the truce, intending, if they
 should prove successful in their enterprize, to over-
 turn the whole settlement made by the late duke

A.D. 1168. upon Geoffry Plantagenet, and give the dutchy to Eudo. What grievances were alledged by the lords of Dinan to justify their revolt we are not told : but most probably it was owing to the restraints Henry laid on the licentiousness of the nobles. Having been used, for many years to call anarchy freedom, they now thought they were oppressed, because they were governed. Undoubtedly they, and earl Eudo, their confederate, relied much on the hope, that Henry would be soon excommunicated by Becket, which, from the bigotry of the times, would have had a mighty effect on the minds of the people, and have made any quarrel seem just against a prince driven out by the church from all Christian society, and delivered over to Satan.

While they were concerting their measures, Henry, who had always good intelligence, having discovered their plot, summoned them, together with Eudo, to come and serve him against Louis, in case the war should be renewed between him and that king at the end of the Easter holidays; which they refusing to do, he prudently waited till he had tied the hands of Louis by the covenants above-mentioned, and then fell upon Eudo, whose chief castle he took and demolished. Another fort being also surrendered to him soon afterwards, he put into it a garrison of his own soldiers, and finding no further obstacle deprived the earl of all the fiefs he had granted to him before, and of all his patrimony in Bretagne. Among the former was confiscated the town of Vannes, one of the best in the dutchy, which the king retained in his own hands. He next exerted his indignation, with equal celerity, upon the lords of Dinan, laid waste their lands, and took from them three castles belonging to their family, two of which he destroyed; but was forced to stop his career before he had utterly ruined them, that he might attend upon Louis,

Louis, eight days after midsummer; till which A. D. 1168. time their engagement to hold a personal conference, for the ratification of the treaty, had been deferred. That prince must have felt himself exceedingly mortified at the defeat of his friends and confederates in Bretagne, while he was disabled from acting to their benefit or relief by the suspension of arms before concluded. In this temper of his mind the insinuations of Becket, or of Becket's friends in his court, working upon him more strongly, he sought for any pretences to avoid or delay the conclusion of the peace, which he had agreed to with reluctance. The revolted V. Epist. 33. l. ii. barons of Bretagne, whom Henry had chastized, demanded vengeance, or satisfaction, for the mischief he had done them; and earl Eudo complained to Louis, not only of the losses he had sustained in his property, but of a grievous outrage committed against the honour of his family, declaring with great lamentations, that his daughter, whom he had delivered as a hostage of peace, into the custody of Henry, on the late agreement between them, *was with child by that prince*. The mother of this lady being niece to the empress Matilda, Henry's amour with her, according to the doctrine of the canonists in those days, was accounted incestuous. But the debauching of a noble virgin, entrusted to him as a hostage, was such an offence as wanted no aggravation to render it more odious. Her father's breach of his faith, for which he had made her a pledge, might possibly seem to the passions of the king an excuse for this enormity: but he should have punished the treason without violating the laws of honour himself. Louis received the earl's complaint V. Epist. prædict. with great and just indignation, and some others, not so well founded, which the confederated nobles of Aquitaine, to whom Henry had given the safe conducts they desired, now urged with great

A. D. 1168. warmth, as if the losses they had suffered had not been the consequences of their own disobedience, and a vengeance due to the blood of his general, the earl of Salisbury, whom they had basely and perfidiously slain. Many messengers passed, with much altercation on this point, between the two kings; during which Henry remained at la Ferté Bernard, without going to the place appointed for their conference, about two leagues from that town, on the banks of the Huines; and Louis resided at Chartres, on the other side of that river. After some time Henry promised, that he would restore to these nobles all he had taken from them: but a certain abbot of that country demanding also the restitution of some lands appertaining to his abbey, and asserting that the abbey was held of the crown of France, Henry denied that assertion. Yet finding it pertinaciously abetted by Louis, he said at last, “that, not out
 “ of regard to any right in the king of France,
 “ but for the love of God, of the earl of Flanders,
 “ and of the cardinal William of Pavia, if he
 “ had possession of any thing that belonged to
 “ the abbot he would restore it to him.” When Louis was acquainted that the cardinal was at la Ferté Bernard, in the council of Henry, he expressed much resentment, saying, “he had not
 “ deserved of the see of Rome that this legate
 “ should abet and favour his enemies, as he always had done hitherto; and that he would
 “ accept nothing out of regard to him or the
 “ earl of Flanders, but would have it on the
 “ foundation of his own right.” Henry absolutely refused to yield it in that manner, which would have been an affront to both the mediators, as well an acknowledgement of a tenure in dispute, without any proper decision. Louis then sent a message requiring him to come immediately to the place assigned for their meeting.

But

But this difference being unsettled, and such an A. D. 1168. air of hostility appearing in all the proceedings of that monarch, he declined an interview which was not likely to have any good effects, and from which he seems to have apprehended some danger v. Epist. prædict. to his person. Louis, having staid on the bank of the Huines a great part of the day, in expectation of his coming, passed over, and in the presence of all his nobility washed his hands in the river, and drunk some of the water, protesting that he had discharged the faith he had plighted: after which ceremony he dismissed the earl of Flanders, and most of the nobles who had followed him from Chartres, remaining himself in that place, with a small number of attendants, till it began to grow dark. Henry in the mean time had received a second message, by which he was summoned to give satisfaction to Louis for having broken his faith. He returned no answer, but came unexpectedly to the river, armed, and accompanied by a multitude of armed knights. The French, seeing him approach in this warlike manner; ran themselves to their arms. In a letter v. Epist. prædict. from which I have taken this account John of Salisbury says, that an action would have ensued, if the night had not prevented it. But I think it very improbable, that, if Henry had come thither with any hostile intention, he should not have executed it by instantly attacking the French, who were too few to have made any considerable resistance. Whereas it appears, that upon seeing the alarm he had given, he returned very peaceably to his quarters at la Ferté Bernard. Robert earl of Dreux, and one of the brothers of the queen of France, went thither to him that night. What he said to them, in justification of himself from this appearance of an intended treachery, we are not informed. John of Salisbury says no more, than that he earnestly begged of them to persuade the king of France *not to compel him to have*

A. D. 1168. *recourse to the enemies of that kingdom*, meaning the emperor and empire; and that *in his words he made a shew of great moderation*. But one may conjecture that he alledged the danger of coming unarmed, and without a sufficient guard for the safety of his person, to a place where so many of his own rebellious vassals, who, he knew, were exceedingly exasperated against him, might, under the pretence of attending the conference, take occasion to assault him. The next day he sent ministers to the court of Louis at Chartres, with instructions to employ their utmost endeavours to incline that monarch to conclude the treaty of peace, as it had been settled between them; and, in case of his refusal, to summon the earl of Flanders, who was a pledge for that treaty, to surrender himself up, agreeably to the faith he had plighted. Louis declared, “he would make
 “no peace with Henry, till he had given satisfacti-
 “on to him and his realm, for having come upon
 “him so suddenly, armed and almost by night,
 “though he had not been able to make a single
 “Frenchman stir from his place:” adding, “that
 “he himself was ready to prove, in the court of
 “the marches or of the earl of Flanders, that he
 “had freed the said earl, and others who, on his
 “part, had intervened in the treaty, from the obli-
 “gation laid upon them. Henry’s ministers answer-
 “ed, that their master, on the contrary, was ready
 “to prove, in the court of the emperor, of the king
 “of Arragon, or of the king of Navarre, that he had
 “kept his faith; and that the earl of Flanders and
 “the other pledges, or guaranties, for the treaty,
 “had violated their’s.” In the interim they desired a prolongation of the truce; but this also was denied.

Besides other inducements, which made Louis desire to renew the war at this time, one was, that ambassadors from William the Lion, king of Scotland, and from all the Welch princes, confederated, to recover the independence of their country,
 were

were now in his court, and offered him aid from A. D. 1168.
 their masters against the king of England. The Welch Chron. p. 224.
 year before this, while that monarch was engaged
 in his foreign affairs, Owen Gwyneth, and his brother
 Cadwallader, assisted by Rhees ap Gryffyth,
 had taken Ruthlan castle, after a blockade of three
 months, and then, with less difficulty, had made
 themselves masters of Prestatyn; the surrender of
 which, as the fortifications of Basingweark had
 been demolished, and those of Flint castle were un-
 finished, subjected that province, one of the fi-
 nest in North-Wales, to the power of Owen. This
 was a loss very mortifying to Henry; and it was
 no improbable expectation, that the Welch, thus
 victorious, might pursue their success to the entire
 extirpation of the English and Flemings out of all
 parts of Wales, if they were favoured by a continu-
 ance of the war between the kings of England and
 of France, by rebellions against the former in
 Aquitaine and Bretagne, and by an invasion from
 Scotland of the three northern countries, which
 Henry had regained in the minority of Malcolm
 the Fourth. The circumstances of the time, and
 the disposition of Malcolm, which was mild and
 unambitious, had made that prince acquiesce un-
 der the loss of those provinces, throughout his whole
 reign: but after his death, which happened on the
 sixth of December, in the year eleven hundred and
 sixty five, his brother William, surnamed the Lion
 from his fierce and warlike character, succeeding
 to the crown, sought to profit by the perplexed and
 troublesome state of Henry's affairs at that time, in
 order to obtain from him a grant of the earldom of
 Northumberland, which he had held, in Stephen's
 reign, by enfeoffment from his grandfather, king Da-
 vid the first. Somelate historians have said, that, when
 first he came to the kingdom, he sent ambassadors
 to Henry with a demand of that province: but this
 is supported by no authority from the contemporary
 writers: nor is any mention made of his coming to

V. Polydore
 Vergil.
 Boet. Scot.
 Hist.
 Buchan. &
 alio.

A. D. 1168. England, either to sue for Northumberland, or do homage to Henry for Huntingdonshire or Lothian, as his brother had done. Only we find, by the ancient chronicle of Mailross, that in the year eleven hundred and sixty six, when Henry went into France, William followed him thither *in quality of his vassal and on his business*; which seems to imply, that he was then possessed of some fiefs held immediately of that king. And in a letter written a year afterwards it is said, "that Henry, being at Caen, and treating anxiously about a difference between him and the king of Scotland, fell into such a passion with Richard de Humet, for speaking in favour of that prince, that he called him a traitor, and in the violence of his rage did some actions which appeared like distraction and frenzy, throwing off his own cloaths, and the silk coverlet of a bed on which he sat, and chewing straws that he pulled out of the mattrafs underneath it." The picture is drawn by the hand of an enemy; but we may reasonably judge from it, that Henry's mind, at that time, was excessively discomposed with a resentment excited by some dispute with that king, which probably might relate to the earldom of Northumberland.

V. Chron.
Mailross.
sub ann.
1166.

V. Epist.
S. T. 44.
l. i.

Chron.
Norm.

Yet, though Louis, in confederacy with Scotland and the Welch princes, seemed now determined to make war against the king of England in all his dominions, the exploits of this league went no further than the burning of a small town and two castles in Normandy, by orders of the French monarch. Henry ravaged the whole country of the earl of Ponthieu, and burned above forty villages, because that lord had denied a free passage to the troops of the earl of Boulogne, who, agreeably to the convention subsisting between them, was coming to assist him in Normandy. It is very remarkable, that while this prince was actually in arms against Louis, a letter was sent to that monarch, by the countess

countess of Boulogne, notifying to him, "that some ambassadors, who had gone from Henry to the emperor, had, on their return, passed through her territories; and that the emperor had sent back with them ambassadors from himself; which she ascribed to his desire of shewing Henry his great readiness to confederate with him in his war against Louis, whom she further informed, "that, by some discourse she had held with the English ministers, she found their master was incessantly seeking to annoy him, and therefore gave him this notice, that he might be on his guard." In acting thus she was probably, moved by that aversion, which, as the daughter of King Stephen, she had imbibed against Henry, and which no kindness shewn by him, either to herself or her husband, nor even political interests, to which princes often sacrifice both their affections and resentments, had been able to conquer. Louis and his council were much alarmed at this letter: and their apprehensions were increased by the accounts they soon received of the arrival of the imperial ministers at Henry's court. A more splendid embassy, with regard to the rank and dignity of the persons employed therein, had never been sent to any king. At the head of it were the archbishops of Mentz and of Cologne, the duke of Saxony and Bavaria, and the bishop of Liege. They brought to Henry, from the emperor and from the whole empire, large offers of assistance in his war against Louis; and tried to engage him to join with them in the schism; promising, if he would do so, to carry their arms into the bowels of France. He returned such an answer as gave room to believe, that he might hereafter be induced to accept this offer, if Louis and Alexander should continue to act as they had done for some time past.

The young princess of England, betrothed to the duke of Saxony, had, in the spring of this year, been conducted to her husband by the earls of Arundel

A. D. 1168.
V. Epist.
Reg.
&c. apud
Duchefne,
tom. iv.
Epist. 108.

V. Chron.
Norm.
Gern.
Chron.
sub ann.
1168.

A. D. 1168. Arundel and of Pembroke. When they came to Brunswick, in which city the duke then resided, they found him in the highest degree of prosperity. He had just suppressed a great rebellion against him in Saxony, after having taken by storm the two powerful cities of Bremen and Oldenburg. Peace being restored by these successes and the interposition of the emperor, he celebrated his marriage, though the lady was not then above twelve years old, amidst the acclamations of his subjects and the whole empire: after which, being desirous to wait upon his father-in-law, he took part in the embassy sent by Frederick to that king.

Nothing could be more agreeable to Henry than this mark of respect and affection, at such a critical time, from a son-in-law of such power, and so connected with the other great princes of Germany. The French saw it with fear; and it contributed much to dispose the king of France no longer to reject the offers of peace, which the English monarch most prudently continued to make with the same moderation as before. The earl of Blois had of late undertaken to mediate between these two princes, and was assisted by a monk of the order of Grammont, named Bernard de Gorriolo, whom, together with the priors of Montdieu and St. Peter's Vale, the pope had employed to treat with Henry upon Becket's affair, after the return of the two cardinals from their legation. The new mediators proceeded upon the plan of agreement before settled by the earls of Champagne and of Flanders, which Henry considered as unalterable; but they had better success, for the reason abovementioned, and from the peculiar authority, which Bernard de Gorriolo, being of an order much celebrated for an extraordinary sanctity, could not fail of having over the mind of Louis. On the sixth of January in the year eleven hundred and sixty nine, the two kings met at Montmirail, where the peace was concluded

V. Epist.
Joh. Sarist.
268.

on

on the terms before agreed to, though Henry complimented Louis with an empty profession, “That he would submit all he had, himself, his children, his territories, his forces, his treasures, to be disposed of in such manner as that monarch should direct, without any conditions.” A. D. 1169.

The articles were, 1. That Henry should renew his homage and fealty for Normandy in the accustomed form. Johan. Sa. isb. 268. ut supra. Epist. S. T. Cant. 66.

2. That he should give up the earldoms of Anjou and Maine, and the fealty of the vassals thereof to prince Henry, his eldest son; who should pay homage and fealty for them to the king of France, and owe nothing more either to his father or brothers, with respect to those earldoms, than merely that which their merit or nature might require. l. ii.

3. That Henry's second son, Richard, should in like manner pay homage and fealty to Louis for the duchy of Aquitaine, and should espouse Adelaide the youngest daughter of that king, upon whom no portion was settled, but it was left to her father to give her what he thought proper.

4. That the office of great seneschal of the kingdom of France should be yielded up by the earl of Blois, to whom Louis had given it some years before, and restored to prince Henry, in right of the earldom of Anjou, to which it belonged.

5. That the king of England should hold Touraine, as a fief from the earl of Blois.

6. That the hostages given to Louis by the revolted barons of Poitou and of Bretagne should be restored by him to Henry; and that they themselves should return to their former allegiance, upon condition of pardon for their revolt, and restitution of all their castles and lands, which had been taken from them since the troubles in those countries began.

A. D. 1169. Such was this memorable treaty of peace, by which Henry divested himself of all his territories in France, except Normandy and Touraine, in favour of his children. But from succeeding transactions it appears, that he did not mean to give up the administration or revenues of the provinces he resigned, till his sons should be of full age. Nevertheless it was a point of the utmost importance to the French monarchy, that, by thus securing to Richard, his second son, the great duchy of Aquitaine, he divided and broke that mass of power, which he had accumulated himself. John of Salisbury says, in a letter written at this time, that, when Prince Henry espoused the daughter of Louis, he did homage to that king for all his father's territories belonging to France; and that the grief which the French nation had felt thereupon made them see this partition with greater satisfaction. But as no other writer of that age has mentioned this fact, and as the Norman chronicle of Robertus de Monte, a contemporary historian, expressly affirms, that a particular homage was done for the duchy of Normandy, there is reason to think that John of Salisbury was mistaken, and that the cause of the uneasiness expressed by the French was rather some intimation of an intention in Henry to make his eldest son heir to all his territories in France, than an actual homage done for them, as this writer understood it. Indeed it is very improbable, that Louis would, at that time, by receiving such homage, have confirmed a settlement which so much endangered his kingdom. The cession of Anjou and Maine, as an appanage for that prince, instead of the duchy of Normandy, was an alteration wisely made for the advantage of England; it being expedient, both on account of the situation of Normandy, and of the connexions between the Normans and the English, that the king should

Epist. 268.
ut *supra*.

should retain that dutchy. But it would have been A. D. 1169. better for him, if he had given up none of his dominions on the continent to any of his children, during his life. A prince of England, in becoming a vassal to France, was too much under the influence of the French court. This Henry soon found; and probably his sagacity did not wait for experience, to be sensible of the danger: but he might be of opinion, that as Louis had only one infant son, it was still adviseable for him to keep in his view the *eventual succession*, which by the death of her brother, might be opened to the eldest daughter of that monarch, espoused to his eldest son; and therefore was not unwilling that the latter should be made, by means of this cession, an immediate member of the kingdom and body politick of France. This was also a consideration of no small weight to induce him to reject the emperor's offers, and consent to a peace.

The acknowledging himself a subvassal to the earl of Blois for Touraine seems to have been the effect of a preceding convention between him and that prince, in which he probably found a sufficient compensation for the superiority he gave up; as no force had been used to make him do it against his will. The earl's credit with Louis, and his great power in the realm, might be a principal inducement to render Henry desirous of thus accommodating an old quarrel between the neighbouring families of Anjou and Blois, and tying them together by the amicable bond of a feudal connexion. As for the dutchy of Aquitaine, he had promised, in the negotiations which preceded the war of Toulouse, to settle it on Richard, his second son, after the consummation of the marriage with the princess of Arragon, to which Richard then was engaged: but that contract having been frustrated by the death of the lady, this other match with Adelaïs of France

was

A. D. 1169. was now made, and the same settlement annexed to it. Equity seemed to require, that king Henry should advance his second son to this dukedom, when his third had been exalted to that of Bretagne. A desire of overturning the establishment lately made in favour of the latter had been, doubtless, one object of Henry's enemies in this war; but it was acknowledged and further confirmed by this treaty, in the sixth article abovementioned. And the high office of seneschal, which carried with it great power in the court and kingdom of France, was, by another article, restored to the earls of Anjou. The most disagreeable condition of the whole treaty to Henry, was the restitution required by it of what had been taken, during the course of the war, from the rebels in Poitou and Bretagne: but, as most of their fortresses had been destroyed by him, the returning of their lands, with a very few of their castles, was not likely to endanger his future tranquillity; and the rebuilding of the others, though not forbidden by the treaty, he knew would be a work of years, which he might put a stop to when he saw a proper opportunity. Revolted subjects, who return to live under the dominion of the prince they have offended, have little to hope from any means of encreasing their strength, the employing of which requires a length of time.

Epist. 268.

In the abovementioned letter of John of Salisbury it is said, "that, before this treaty, Henry
 " had frequently and publicly sworn, he would
 " never again do homage to Louis for the dutchy
 " of Normandy, which oath he now broke." But, as he had paid that homage twice before, and once since he was king of England, it is hard to find any reason by which he could justify such a resolution. He might indeed alledge the example of his grandfather Henry the first; but the circumstances were different. For that monarch
 had

See the first
 vol. I. li.

had done nothing which could be called an acknowledgment of the right he disputed: whereas his grandson by his own act had given up the dispute. I should therefore suppose that the declarations, the latter is said to have made, with relation to this point, were only bravadoes thrown out during the course of the war, which prudence taught him to forget in concluding the peace; if the whole be not an idle rumour, too lightly taken up by his enemy John of Salisbury, whose malice inclined him to believe and to aggravate all reports of this nature.

To this meeting of the two kings at Montmirail the priors of Montdieu and St. Peter's Vale, together with Bernard de Corriolo, the monk of Grammont before-mentioned, brought archbishop Becket, having first presented to Henry a monitory letter, sent from the pope, through their hands, in favour of that prelate. Here, by their exhortations, and by the advice of his friend, the king of France himself, being much pressed *to humble himself before his sovereign*, he was, with difficulty, persuaded, or rather forced, to do so; and kneeling to Henry said, in the hearing of both courts, "that, *to the honour of God and his honour, he threw himself upon God's mercy and his mercy.*" These words appear satisfactory; but Henry, whom experience had rendered very cautious, apprehending that the expression, *to the honour of God*, was meant to cover some reserve, or establish some distinction, in favour of the church, refused to accept this form of supplication; and, after some passionate complaints of the former behaviour of Becket, concluded with saying, "he desired nothing more of him than that he would promise, in the presence of that assembly, as a priest and a bishop, in the word of truth, *and without fraud or fallacy*, to keep all the laws or customs, which former archbishops of Canterbury, good and holy

Epist. S. T.
Cant. l. iv.
epist. 8.

A. D. 1169. " holy men, had kept under the reigns of former
 " kings of England, and which he himself had
 " once solemnly promised to keep." Becket re-
 plied, " that in the form of *the oath of fealty*, which
 " he had taken to the king, as archbishop of Can-
 " terbury, he was bound to defend him in life, limb;
 " and worldly honour, *saving his order*. And this he
 " was ready most chearfully to fulfil. Nor had
 " any more been ever demanded of his predeces-
 " sors in the see, nor was there any more due." But, as the king insisted strongly upon his own proposition, he said at last, " that, although none
 " of his predecessors had done or promised this,
 " and he was not obliged to it in duty, yet, for
 " the peace of the church, and to obtain the
 " king's favour, he would promise to keep those
 " customs which had been kept by his holy pre-
 " decessors, *saving his order*, and *so far as he*
 " *could do it according to God*." He further added,
 " that, to regain the king's affection, he would
 " do all he could *without prejudice to the honour of*
 " *God*."

V. Epist.
 35. l. i.

On this I would observe, that we have a letter to Becket, written some time before, from the bishop of Lisieux, and which has already been cited on another occasion, wherein are these words;
 " It will not be for your interest *to recur to parti-*
 " *culars*, but as much as possible *to stick to gene-*
 " *erals*. For our cause is safe, *unless articles parti-*
 " *cularly exprest destroy our liberty*. If we profess
 " ourselves bound to fidelity, reverence and obe-
 " dience to the king; if we offer our fortunes
 " and persons to be employed to his honour and
 " service; if we promise to observe the royal dig-
 " nities and ancient customs, *so far as they do not*
 " *contradict the law of God*, it does us *no hurt*;
 " because in all these things we are by no means
 " bound against our duty. If therefore under
 " this, or any other like form of words, which
 " can

“ can be thought of, the divine goodness should
 “ procure peace to you and your’s, *reserve the*
 “ *interpretation of these words to future times.*” On this
 plan it is evident Becket intended to proceed :
 but Henry, who well understood, that the excep-
 tion, he threw in, would render the promise, he
 made, of no effect, rejected his offers, unless he
 would swear *precisely and absolutely* to keep the roy-
 al customs : which he refusing, though advised
 and pressed to do it by many, the king departed
 without their peace being made.

A. D. 1169.

V. Epist. 8.

l. iv.

This is the account which was given of this
 meeting by the priors of Montdieu and St. Pe-
 ter’s Vale, in their letter to the Pope. And agree-
 ably to this Becket himself wrote upon it to his
 Holiness. He also repeated the substance of it in
 a letter to the king immediately after the confer-
 ence. But some contemporary historians relate other
 particulars, not mentioned in those letters. It is there
 said, that king Henry, after many reproaches
 against Becket for pride and ingratitude, addressed
 himself to Louis in the following words: “ My
 “ liege, attend, if you please: whatsoever he
 “ dislikes he says is against *the honour of God*;
 “ and thus he would dispossess me of all my rights.
 “ But that I may not in any thing seem to desire
 “ unreasonably to oppose him, *or the honour of*
 “ *God*, this is my offer. There have been many
 “ kings of England before me, some who had
 “ more power than I, and others who had less.
 “ There have been before him many archbishops
 “ of Canterbury, great and holy men. *What*
 “ *therefore the greatest and holiest of his predecessors*
 “ *did for the least of mine, let him do for me, and I*
 “ *shall be satisfied.*” At which all the assembly
 expressed their satisfaction in the king’s condescen-
 sion; and Louis himself said to Becket, upon his
 remaining silent for some time, “ My lord arch-
 “ bishop, *would you be greater or wiser than all*
 “ *those holy men?* Why do you hesitate? See!

V. Epist. 6.
ibidem.V. Epist. 5.
ibidem.Quadrilo-
gus. Gerv.
Chron. sub
ann. 1169.

A. D. 1169. “ your peace is at hand.” But he replied, “ It was true; many of his predecessors were better and greater than he; but every one of them had, in his own times, cut off some things which raised themselves up against God, though not all. For if they had entirely eradicated all, he should not be now exposed to this fiery trial, by which being proved, as they had been and partaking their labour, he might also be found worthy of their praise and reward. Nor, if any one among them had been too cool, or too immoderate in his zeal, was he bound to follow his example, one way or another.” He added other arguments to the same purpose, concluding, “ that the primitive fathers had suffered martyrdom, because they would not subject the name of Jesus Christ to any other name: nor would he, that he might recover the favour of a man, give up the honour of Christ.

V. Epist. 8. The ecclesiasticks employed in this business by
Liv. the pope, further acquainted his Holiness, “ that when, according to his orders, they exhorted the king of England to restore Becket to his favour, his answer was, that perhaps he might be advised to restore him to Canterbury, but to his favour he never would, *because by so doing he should lose the benefit of that privilege his holiness had conferred on him by a former letter, which suspended that prelate from all authority over him till he had recovered his favour.*” It is wonderful that Henry should speak so plain on this matter! for he might be almost certain that the pope would take from him a privilege, of which he openly declared he would make a use so repugnant to the intentions of the giver.

Some time after this conference, a new interview being appointed between the two kings, the same monks, who had before delivered to Henry a letter of *admonition* from Alexander, now delivered to him

him another of *commination* ; assuring him, that, A. D. 1169. V. Epist. 1. l. iv. if, before the beginning of Lent, he did not comply with the repeated exhortations sent to him from that pontiff, his Holiness would no longer restrain the archbishop, as he had hitherto done. “ *For he ought not to imagine, either that the Lord, who now slept, might not be awakened ; or that the sword of St. Peter was so consumed with rust, as that it could not be drawn, and exercise a proper vengeance.*” He very unwillingly received these letters ; and, after much discourse on the subject of them, returned this answer, “ I did not drive my lord of V. Epist. 10. l. iv. Canterbury out of my kingdom : nevertheless, if he will hereafter do his duty to me, *and obediently observe and maintain to me what his predecessors have observed and maintained to mine*, I will, out of reverence to the pope, permit him to return into England, and remain there in peace.”

According to the account sent to Alexander by V. Epist. 6. l. iv. Becket himself, Henry had been persuaded, at the instance of the monks, and of the most Christian king, not to mention the royal customs on this occasion. Yet that prelate observes very justly, *that, although he changed his word, he adhered to his purpose*, insisting still upon the same absolute promise of the obedience paid by former bishops to former kings. But, as in the course of their conference he made some variations in the terms of his answer, the monks desired he would give it them by letters patent, to be sent to the pope for their greater security against any mistake ; which he peremptorily refusing, they departed from him exceedingly discontented.

When they made their report to Becket of what V. Epist. 6. l. iv. had past, he adhered to his former savings *of the honour of God, and of the rights of his order* ; alledging, “ that, without the authority of the pope, he “ could not change the ecclesiastical form of allegi-
“ *ance observed by the whole western church*, and clear-

A. D. 1169. “ly expressed in those very ordinances, which had
 “ occasioned his banishment ; it being there said,
 “ that bishops are obliged to swear fealty to the
 “ king, *saving their order.*” Henry did not pro-
 pose to make any alteration in the oath of allegiance;
 and consequently this objection had no real weight :
 but the archbishop supposed, that, because this ex-
 ception had been indiscreetly admitted into the oath
 of allegiance, it ought to be in that he was now re-
 quired to take, though it would have entirely de-
 feated the purpose for which the latter was exacted.

V. Epist. 26.
 l. iv. In the letters he wrote on this affair he exulted great-
 ly, “ *that the king, who before endeavoured to def-*
 “ *guise it, had now plainly confessed, that the consti-*
 “ *tutions of Clarendon were the sole cause of the per-*
 “ *secution he suffered.*” And, considering how un-
 justly and cruelly he had been treated, he most
 earnestly implored the pope, to exact from the king
 whatsoever had been taken from him and all his
 friends, *even to the last farthing* ; assuring his Holi-
 nefs of a certain triumph, if, instead of continuing
 his late too moderate measures, he would immedi-
 ately exert *the rigour of justice.*” He also entreat-
 ed him, “ not to absolve the *malefactors*, he (Bec-
 ket) had excommunicated.” These *malefactors*
 were several of the most eminent prelates and ba-
 rons of England. For, having waited the term

V. Epist. 20.
 24. l. iii. prescribed to him by the pope, and being therefore
 reinstated in his former authority, he had at once

V. Epist. 39.
 40. 43, 44.
 l. iv. excommunicated the bishops of London and of Sa-
 lisbury, the archdeacon of Canterbury, (whom
 in a letter to the pope he calls the *Arch-devil*
of Canterbury) Nigel de Sacville, and Thomas
 Fitz-bernard, officers of the king’s household,
 Hugh de St. Clare, Hugh earl of Chester, Richard
 de Lucy, Great-justiciary, and other chief men of
 the kingdom. All this was done between Palm-
 funday and Whitsunday, without any notice of it
 having been given to Alexander.

The

The bishop of London, from an apprehension of the storm that was coming upon him, had, with the bishop of Salisbury, interposed an appeal to the pope. But his excommunication having been notified in the church of St. Paul, on Ascension-day, by one of Becket's agents, he assembled the clergy, and protested against the sentence, "because the archbishop had not cited him as he ought to have done ; because, against all the rules of justice, that prelate was accuser, witness, and judge ; and because, till such time as he should come in to England, he could not act as legate there." But the most remarkable objection was, "that he had no jurisdiction over the see of London, because that church had a right to the metropolitan dignity, which it had lost to Canterbury only by the irruption of the pagans (that is, the Anglo-Saxons) as the bishop said he could prove." It must indeed be confessed, that, in the first institution of metropolitan sees, that dignity was appropriated to the capital cities ; the ecclesiastical superiority being established in conformity to the civil. But John of Salisbury, with great sharpness, V. Epist. 19. l. iii. ridiculed this pretension, in a letter he wrote to the monks of Canterbury about that time. He said, "the bishop was apprised that the city of London, before Christianity was established in England, had been the seat of the Arch-flamen of Jupiter ; and perhaps the prudent and religious man had thoughts of restoring the worship of Jupiter ; *that since he could by no other means be an archbishop, he might obtain the title of Arch-flamen.*" The latter words of this paragraph alluded to a notion encouraged by Becket, but strongly denied by the bishop, that all the malevolence of that prelate to him was the effect of a disappointment in the hopes he had conceived of being himself promoted to Canterbury. And this obsolete claim gave more weight to that report ; as it looked like a resource of disappointed

A. D. 1169. ambition. He seems himself to have been sensible, that it would do him no service, and therefore rested his cause upon the many informalities in the proceeding against him, and upon the appeal he had previously made to the pope, which he implored the king to recommend to his Holiness by his own letters, and by all the credit of his friends in the sacred college. Henry in his answer assured him, that he resented the sentence passed upon him and other persons of his realm, by his traiterous adversary Becket, *no less than if he had vomited out his poison upon his own person*: and accordingly wrote to Alexander with most bitter complaints, “that, “after his Holiness had granted him judges to hear “his cause, he had exempted his adversary from “their jurisdiction, who now had added a new in- “jury to the innumerable others done to him be- “fore, by having excommunicated the bishops of “London, and Salisbury, after an appeal made to “his Holiness, and when they were ready to an- “swer according to law, not cited, not called, “not convicted, not admonished. That Becket “had also anathematized some of his nearest ser- “vants, having no reasonable cause to alledge for “it; which he took no less ill than if the sentence “had been past against his own person. That it “seemed as if the pope had entirely abandoned all “care of his son, and had given him up to the ma- “lice of his enemy. He therefore entreated his “Holiness by his own authority to annul these pro- “ceedings of Becket.”

The archbishop of Rouen also wrote very warmly to Alexander in vindication of his friend, the bishop of London, witnessing for him, that in a secret conversation, where only the king and they were present, he had laboured with all his power to obtain peace for Becket. And some English prelates sent letters to the same effect, adding the highest encomiums of his morals, piety, learning, and

V. Epist. 46.
ibid.

V. Epist. 47.
ibid.

V. Epist. 48.
l. iii.

V. Epist. 49.
50. 51. l. iii.

and of the mildness of his temper, for which he was A. D. 1169.
 universally renowned above all the bishops in England. V. Epist. 37.
 Indeed there was no need of these testimonies in his 67. l. i.
 favour : for Alexander himself, in his own letters,
 had expressed the same opinion of him, even since
 the beginning of the dispute with Becket. But yet
 the friends of the latter made no scruple to call him,
 in the letters they wrote to each other, *a wolf in* V. Epist. 24.
sheep's cloathing, parricide, and forerunner of Anti- l. iii.
christ.

As soon as the pope had some intelligence, from
 his correspondents in France, of the archbishop's
 proceedings, though he did not yet know exactly
 what he had done, he testified his surprise at the
 impatience with which that prelate had acted ; and
 (to use the words of the letter) “ exhorted, besought,
 “ and admonished him to suspend whatever sen-
 “ tence he had past, till he should know how the
 “ nuncios, who were coming to negociate a recon-
 “ ciliation between him and the king, would suc-
 “ ceed in their commission.” These nuncios had
 been sent at the desire of that prince ; and Alexan-
 der was aware, that the archbishop, who wished
 for no more negotiation, would be much displea-
 sed at their coming. He therefore accompanied
 the notification of it with an assurance, “ that if in
 “ two or three months the king should not be mol-
 “ lified by the forbearance, which, in hopes of a
 “ peace, it became them both to grant him, he
 “ would give him full liberty to revoke this indul-
 “ gence, before the nuncios should leave France.”
 And in the direction of the letter he styled him *le-*
gate of the apostolical see, which shewed that he con-
 sidered him as restored at this time to the full autho-
 rity of that office. The only power upon earth which
 Becket respected was that of the papacy ; yet so in-
 tractable was he that he absolutely contemned the
 admonitions and exhortations thus sent from the pope ;
 nor would he take off the excommunication he had

A. D. 1169- laid on the bishop of Salisbury, though Alexander entreated him, by a particular letter, that, *in consideration of the singular affection he had for that prelate, grounded on a long intimacy of friendship between them; and as the bishop acted not from the dictates of his own mind, but from fear of the king, and through the natural infirmity attending old age, he would deal gently with him, and till the return of the nuncios sent to the king do nothing against him.* This letter indeed was not received by Becket till after the sentence of excommunication was past. Yet when he pronounced it, he well knew (as appears by some passages in the letter itself) how dear the bishop was to the pope. It was therefore a very great disrespect to his Holiness, to do such an act, without having particularly apprised him of it, and obtained his leave. But, that upon the receipt of so warm an intercession from a friend, who could have commanded what he begged for, he did not instantly revoke the sentence, is a most astonishing proof of the implacable violence of his resentment, and the inflexible obstinacy of his temper.

Henry had for some time been using his utmost endeavours to prevail on the pope, that, by orders from his Holiness, Becket should be called out of France, and translated from Canterbury to some foreign see. It has been mentioned before, that this expedient was recommended by William of Pavia, during his legation in France; and, though the archbishop protested most violently against it, a more gentle or proper method to finish the dispute could hardly be found. Extraordinary means were therefore used by the English ministers at Beneventum to obtain this point for their master. They promised Alexander, in his name, to procure for him a peace with the emperor and the Saxons. They offered to buy, in his behalf, all the Roman nobility who stood out against him, and to give him, for his own use

use, ten thousand marks, a present equal to one A. D. 1169.
of a hundred thousand pounds in these days. They moreover assured him of their master's permission to ordain whom he pleased, as well in the see of Canterbury, as in all the other sees that were then vacant in England. But, whether he thought that in some of these particulars the king offered more than he would be able to perform, or whether his knowledge of Becket's unalterable resolution, not to accept of any other see, made him unwilling to propose his removal from Canterbury, he rejected all these temptations. Henry laboured to overcome the reluctance he found in him, by the intercession of others, who might have, probably, a greater influence over his mind, or would embarrass him more from the difficulty of resisting their solicitations. With this intention he gained the bishop of Syracuse, who was a native of England, by an offer of the see of Lincoln, and proposed to the king of Sicily, on whose protection the pope in a great measure depended, a contract of marriage with Johanna his daughter, if that monarch would assist him in this affair. The proposal was too agreeable to be refused; and the translation of Becket, or his removal from Canterbury in some other manner, was vehemently pressed by the court of Sicily. Henry likewise applied to those cities in Italy by whose arms the pope was supported. He promised to give the Milanese three thousand marks, and to build up their walls, which had been demolished by the emperor, more strongly than ever, if they could gain for him this moderate and reasonable request. To Parma he offered a thousand, as much to Bologna, and to Cremona two thousand. He also bribed with large sums the principal barons of Rome, who were of Alexander's party. But not all these united could shake that pontiff, whom the apprehension of
disgusting

A. D. 1169. disgusting the king of France rendered as obstinate in this point as Becket himself. The English ministers could obtain no more for their master, than that two nuncios should be speedily sent into France to negotiate an agreement between him and Becket, which in effect was nothing else but a further delay of the excommunication, he feared from that prelate.

V. Epist. 78. During the course of these transactions the
82. 85. 87. bishop of London endeavoured to persuade all his
88. 91. l. iii brethren to join in his appeal to the pope. But, except the bishop of Salisbury, who had originally concurred with him in it, they all refused it on various pretences. The bishop of Winchester's excuse was peculiar. He said "it was a rule of the divine law, that whoever was summoned by a superior judge could not appeal in to an inferiour; and therefore he, being called by his age and infirmities to appear before God, could not attend an appeal in an earthly court." Nor were these prelates content with merely declining, in this instance, to make a common cause (as they had formerly done) with the bishop of London; but obstinately refused to hold communion with him, and even published injunctions through their several dioceses, that all men should avoid him; though the king had sent orders particularly forbidding any regard to be paid to his excommunication. So great was their respect to the legantine power with which Becket was invested.

V. Epist. 114 The bishop of Winchester, notwithstanding the
l. i. assent he had given to what had been done in the parliament at Northampton, and by other subsequent acts, in which he had concurred, against that prelate, intrigued with him now, and favoured him, out of hatred to Henry. But his power was lost, and that spirit, so formidable once to the crown, was in a great measure broken. He had received from the king, who thought it necessary

céssary to keep him as low as he could, so many A. D. 1169 and so grievous mortifications, that, to obtain a dismission from the court and the world, he ex-V. Epist. 113 pressed a desire of resigning his bishoprick, with l. i. the consent of the pope, which he applied for through Becket, but received a denial. And, not long afterwards, he was so heavily incumbered with debts, and distressed for want of money, that he even sold the golden cross belonging to his church: for which Becket, though in exile, and much his friend at that time, reprimanded him as his metropolitan, and enjoined him to restore it. Into such meanness and misery did this great prelate fall at the latter end of his life! Yet upon this occasion, some sparks of his former character kindled, and broke out a little; so as to make him again a favourite with what may be called *the High Church Party* of those days, but in a degree much inferior to Becket.

Henry now saw, with no little uneasiness, what he had to expect from his bishops, if the censures he was threatened with, by his exasperated adver-V. Epist. 79. sary, should fall on his person. Nor could he c. iv. reasonably entertain a hope, that Becket would delay the inflicting of them any longer, than till the next feast of the purification of the blessed Virgin; that prelate having sent letters to the covent of Canterbury and to the clergy of his diocese, commanding them from that time to stop the celebration of divine service in their churches, and declaring, he was resolved not even to spare the king's person, if that prince did not repent, and make a proper satisfaction to all he had injured. Upon these acts of hostility, Henry sent a Norman bishop and the archdeacon of Canterbury to the French king, with orders to require of that monarch, both on account of the alliance, and the feudal connexion between them, that he should expell the archbishop out of his kingdom. But

Louis

A. D. 1169. W. Epist. 79. c. iii. Louis answered. *"that he had derived from his ancestors this, as an hereditary right, and a perpetual custom of the realm of France, that all who were banished for the sake of justice should there be kindly received. Nor would he ever give up an inheritance so honourable and pleasing to God."*

Such noble sentiments were never so ill and impertinently applied : as Becket, instead of having been banished for the sake of justice, had fled from justice, and opposed, with all his power, the due execution thereof against offending churchmen. Louis added more truly, *"that he had received the archbishop from the hands of the pope, whom he accounted his only Lord upon earth; and therefore, neither out of regard for the emperour, nor for the king of England, nor for any power in the world, would he send that prelate away, or ever cease from protecting both him and his cause, so long as they wanted protection, because God was with him, and for the maintenance of God's law he endured so many losses and wrongs."* Of this Becket himself wrote an account to his friend, the bishop of Ostia, and in the same letter complained, *"that some, who*

W. Epist. 79. c. iii. *"were not filled (as Louis was) with the spirit of God, advised him not to demand a reparation of damages, and, if a peace should be treated of, to pass over all matters as lightly as possible; not considering how dangerous it would be in the precedent, if secular powers should be thus encouraged to proscribe and to banish innocent persons, and then be reconciled to the church, whenever they pleased, with great damage to her, and great profit to themselves. He affirmed, that the pope might easily carry this point: because, (says he) though the king may affect to throw out menaces, he really shook with fear, from the time that he saw his contumacious bishops, with other accomplices of his malice and instruments*
" of

“ of his iniquity, delivered over to Satan, for the
 “ destruction of the flesh. When they are once crush-
 “ ed, he will be more easily and sooner subdued,
 “ and all his thunder will be turned into rain. Believe
 “ me, who have experience, who know the manners of
 “ the man, and have stood all the brunt and heat of the
 “ day, nor am yet afraid of the contest, for the sake of
 “ the Lord and the liberty of the church; believe, that
 “ he is one of such a disposition, as nothing but
 “ punishment can mend.” He desires the bishop
 to represent all this to the pope, and to obtain of
 his Holiness, and of the sacred college, “ that
 “ the apostolical see may, through his sufferings, ac-
 “ quire liberty for the church of England.” Pro-
 testing, “ that he chose rather to die in the bitterness
 “ of banishment for the Lord, than to see the church
 “ profaned by the execrable traditions of tyrants,
 “ and the divine law rendered of no effect.

While he was thus urging on, by all the means
 in his power, the excommunication of Henry, that
 king was employed in securing to himself, and to
 the young princes, his children, the benefits he
 had gained by the peace of Montmirail. His
 eldest son was accordingly sent by him to Paris,
 where, on a day of solemnity, he publicly served
 the king of France at his table, as seneschal of
 that kingdom, in right of the earldom of Anjou,
 with which he now was invested. This ceremony
 confirmed the restitution obtained by the above-
 mentioned treaty of that high feudal office, which
 a contemporary writer affirms to be the same as
 that of *Maire du Palais*. And not long afterwards,
 in the spring of this year eleven hundred and sixty
 nine, Prince Geoffry Plantagenet,, as duke of
 Bretagne, went to Rennes, and received the hom-
 age of all his great barons. Thus, notwithstand-
 ing the many difficulties, which his quarrel with
 the king of France had thrown in his way, and
 all the embarrassment of his other affairs, did
 Henry compleat the establishment of his son in
 the

Robertus de
 Monte.
 Chr. Norm.
 p. 1003.

Robertus de
 Monte, et
 supra.

A. D. 1169.

A. D. 1169. the dutchy of Bretagne ; an acquisition of vast importance to his power and interests, not only in France, but in England !

Id. *ibid.* But the troubles in Aquitaine were not so easily pacified. For, some disputes having arisen about the restitutions, which had been stipulated in the treaty of Montmirail, many of the barons who had revolted in Gascony and Poitou continued in arms : so that Henry was compelled to go thither himself in order to suppress their rebellion, which he effected by the destruction of several castles belonging to the earls of Angoulesme and La Marche. These great lords being reduced, and treated by Henry with his usual clemency upon their submission, the malecontents of less note were soon subdued ; and, by the beginning of August, the tranquillity of those provinces was fully restored. When the king had spent some time in duly ordering and settling the government there, he returned into Normandy, and made strong lines for the protection of one part of the frontier, which, having no river to defend it, was exposed to depredation from sudden incursions. He likewise built a new castle at Beauvoir en Lions, having a constant attention in time of peace to all that would secure his territories in war. At the same time he carried on other great publick works for the benefit of his people ; particularly a bank or dyke, on the north side of the Loire, beginning about thirty miles above Angers, and continued to that city, in order to confine the overflowings of the river, which frequently happened with so much violence, that they ruined the country. No monument that can be raised to the memory of a king is so glorious as these, which he erects for himself while he is only intent on doing good to his subjects.

See Carte,
sub anno.
1168.

Gratian

Gratian and Vivian, 'the two nuncios sent by the pope, repaired to Henry in Normandy upon his return out of Gascony. They came with limited powers, and a form of agreement prescribed by Alexander, to which if they could not induce the king to consent, they were ordered to leave him; and, for fear they should be corrupted, they were bound by an oath to accept no present from him, not even their charges while they remained at his court, *till the peace was concluded*. I use the word *peace*, because it is used in Alexander's letters and those written by Becket concerning this affair, as if he and the king, his master, had been two independent potentates at war with each other.

When the nuncios delivered the pontiff's letters to that prince he was greatly disturbed; and, in a conference which he afterwards held with them on the business they were sent to negotiate, he let drop some very warm and angry expressions; upon which Gratian, who was nephew to pope Eugenius the Third, said to him, "Sir, do not threaten; we fear no threats: *for we are of a court that has been accustomed to give the law to emperours and to kings*." Nevertheless Henry seemed to be absolutely determined that they should not give it to him; and before he would treat of a reconciliation with Becket, on any terms, insisted positively and pertinaciously, that those of his servants, whom that prelate had excommunicated, should be absolved. This not being agreed to, he broke off the conference, mounted his horse, and protested with an oath, that he never would hear another word, from the pope or any man living, upon the subject of Becket's return to Canterbury. The nuncios, startled at this, thought it necessary to yield the point in dispute; and the negotiation was renewed: but other difficulties arising about the preliminaries, Henry departed again, with

marks

A. D. 1169.
V. Epist. 6.
27. l. iii.

Id. ibid.

V. Epist. 6.
l. iii.

V. Epist. 27.
l. iii.

A. D. 1169. marks of great displeasure ; and being told by his bishops, that a mandate from the pope, requiring them to perform whatever injunctions should be given by the nuncios, had been communicated to them, he answered : “ It is no matter : I know “ what they will do : they will put my dominions “ under an interdict. But cannot I, who am able “ to take a strong castle every day in the year, “ arrest an ecclesiastic, who shall have the bold- “ nefs to offend me by such an act ? ” This language brought the nuncios to be more complaisant ; and they came to an agreement with him, that three of his servants, Nigel de Sacville, Thomas Fitzbernard, and the archdeacon of Canterbury, who then were attending upon him, should be absolved the next day ; and that one of the nuncios should go over to England, in order to absolve the excommunicated there ; on which conditions the king, out of devotion to God, and for the love of the pope, would permit the archbishop to come to him in safety, and to receive his archbishoprick in good peace and with firm security, as entire as he had possessit it before he left the kingdom, and to hold it *to the honour of God and of the Church, and to the honour of the king and of his children.* It was also stipulated that a like restoration should be granted to those who were in banishment with and for the archbishop. This was the form of reconciliation, which, (if we may believe the report that the nuncios made to the pope) was written down with the king’s entire consent, and without the addition of any other words. But they say that the next morning he changed a word in the writing, instead of *children* putting *heirs* ; which alteration they admitted without dispute. And, upon their asking him, whether he would agree to give the archbishop *the kijs of peace*, he said, “ *the peace should not be hindered for so little a matter.* ” They were much pleased

pleased with this answer, and, immediately after A. D. 1169. it, absolved his three servants. But they tell the pope in their letter that they were exceedingly surprised and confounded, when the absolution having been given, the king, instead of the words *to the honour of his heirs*, in the written agreement, inserted these, *saving the dignity of his kingdom*; and that they left him thereupon, and went to Caen. V. Epist. 27. They further add, that, as he was obliged to go l. iii. from Baieux, where the conference had been held, in order to meet the earl of Flanders at Rouen, he referred the negotiation to a council composed of all the principal bishops and temporal lords of his dominions on the continent, together with some of the English, who then were with him in France. They acknowledge that all these very strongly insisted upon retaining the clause inserted by the king; to which they agreed, on condition that another should be added, *saving the liberty of the church*. V. Epist. 13. But this expedient not being satisfactory, some of l. iii. the bishops proposed, that, leaving all *savings* out, the agreement should be drawn up in the following words, *that, for the love of God and of the pope, the king should permit the archbishop to return into England, and enjoy his archbishoprick as entire as before he went out of the Kingdom: and that all those persons who went with him, or on his account, should be likewise restored to their own*. The brevity and simplicity of this form being approved by all the assembly, they recommended it to the king, in a letter which was carried by the archbishop of Rouen. The nuncios also agreed to it, and Henry was at first so far satisfied with it, that he sent for them to Rouen. But after they had waited for him there some time, in the archbishop's palace, they received a message from him, to let them know, that he would on no account recede from the clause, *saving the dignity of his kingdom*: whereupon they departed without coming to any agree-

A. D. 1169.

ment. When they reported to Becket the king's final resolution, he coolly said, that he would consent to maintain the dignity of the kingdom, *saving the rights of his order, and his fidelity to the church of Rome.* This is the account given by Vivian in a letter to the pope, which, he says, had been seen and approved by his colleague. But there is very strong evidence against the truth of it, in one circumstance of great moment. For the king, in a letter he wrote himself to the pope on this occasion, affirms, that *before the absolution given to his three servants*, the nuncios had, *without the least contradiction*, agreed to the words, *saving the dignity of his kingdom.* But that the next morning, *by whose instigation, or from what spirit he knew not*, they refused to stand to their agreement, *objecting to that expression.* And this account is corroborated by the testimony of the archbishop of Rouen, the bishop of Nevers, and the whole clergy of Normandy, who, in their letters to the pope, declare with one voice, *that the nuncios, having agreed to admit of those words, had presently afterwards revoked their consent, and refused to perform what they had settled.* Indeed they do not say, that the words had ever been agreed to *without contradiction*; but that an absolute consent was given to them at first, and retracted afterwards by the nuncios, they all assert. Nor is it probable that the king should have admitted a form of reconciliation, which, without the addition of this clause, was at least as exceptionable as the words used by Becket, which he had rejected with so much indignation in the late interview with that prelate at Montmirail. And such a tame acquiescence agrees ill with the language, which in his former conferences with the nuncios he certainly held, and with all his behaviour in the course

V. Epist. 20.
L. iii.

course of this negociation. I therefore believe ^{A. D. 1169.} that the nuncios at one time did consent to this clause; but that having reflected more upon it, and perhaps talked on the subject with some friends of Becket, they were afraid they should draw upon themselves the whole tempest of that prelate's rage, and, rather than stand it, retracted their consent the next morning. Nor was it unnatural that they should desire to conceal from the pope their having made a concession, which, in all probability, was not authorised by their instructions. For they themselves ^{V. Epist. 5. l. iii.} had told Becket, that it was not in their power to do any thing to his prejudice, or to the dishonour and detriment of the church. Indeed the archbishop of Rouen, the bishop of Nevers, and all the prelates and clergy of Normandy used their utmost endeavours, in letters to the pope on this subject, to make his holiness think, the words proposed by the king would not hurt ^{V. Epist. 21, 22, 23. l. iii.} either the liberty or dignity of the church; "because neither could princes obtain salvation without the church, nor the church peace without their protection." But John of Salisbury, in a letter to the bishop of Poitiers, said truly, "*if the king had obtained that his clause should be inserted in the agreement, he had carried his royal customs, only changing the name, and banished quite out of England all the authority of the Roman church.*" Becket holds the same language in several of his letters, saying, "*the dignity of the kingdom was only a softer name for the constitutions of Clarendon.*" ^{V. Epist. 54, 55, 56, 57, 58, 59, 60.}

He also complains very bitterly, that in this form of peace no mention was made of reparation of damages. But at the same time he tells the pope, "that the king now declared, *he did not de-* ^{V. Epist. 54. l. iii.} *mand of him any account of his administration as* chancellor, nor the money he then had received,

A.D. 1169. “ *or stood engaged for, but only what he had received that belonged to the crown since he was made archbishop of Canterbury; for which (he says) it was universally known that he had accounted.*” He reports this to some of the cardinals with whom he corresponded, in terms yet more to his own advantage; saying, that the king had now acknowledged to the nuncios and others, *that he (Becket) was not bound to any account of his administration as chancellor, or of the money he had received while he held that employment.* But to others he expresses it, as he does to the pope, that the king *did not demand of him any account; which is a very different thing from acknowledging, that he was not bound to give one.* Certain it is, that in this negotiation Henry waved that demand; for no notice is taken of it in any of the letters relating thereto, nor in the terms of agreement. Indeed it would have been a perpetual obstacle to an accommodation, as Becket would not submit to any judgement upon it, and could not have paid it, had he been sentenced to do so by Alexander himself. Perhaps too Henry might now begin to feel, that, by submitting to the pope a cause of such a nature, he himself gave a grievous wound to the dignity of his crown. Yet, though he might have reasons for dropping his claim at this time, he could have none to allow that it never had been due. Nor is it credible, that he should so lightly have impeached his own justice and that of his parliament.

But Michaelmas day being now past, without hopes of a reconciliation between him and Becket, as neither of them would give up the point in dispute, a letter was sent from the nuncios, to notify to those whom they had absolved, that the absolution was void; and immediately afterwards

V. Epist. 56,
60. l. iii.

V. Epist. 37.
l. iii.

afterwards they prepared to return into Italy. A. D. 1169.
 Gratian went first, being much dissatisfied with
 Henry's proceedings. Nor did Vivian long de- V. Epist. 49.
 lay to follow his colleague; but he had not gone l. iii.
 far, when he received a letter from the king, who
 entreated him to return, and gave him his royal
 word, that he would make peace with Becket, ac-
 cording to the pope's mandate and his advice.
 What drew from him this promise was an in- V. Epist. 61.
 formation given to him, that the archbishop of l. iii.
 Sens, who was a most zealous friend to Becket,
 had set out with Gratian, which made him ap-
 prehensive, that, on their report to his holiness,
 the excommunication and interdict, with which
 he had been threatened, would be immediately
 laid on his person and territories. He had found
 Vivian a man of some moderation; and he
 hoped, that by continuing a negociation with
 him, he should tie Becket's hands, and obtain
 at least the delay that was necessary for him in
 order to know the success, which the archdeacon
 of Salisbury and Richard Barre, whom he had
 dispatched to Beneventum presently after the con-
 ference at Montmirail, had met with in that
 court. Vivian came back immediately on
 the receipt of this letter; but though he took V. Epist. 9.
 great pains to soften Becket, and persuade him l. iii.
 to approve his unexpected return, that prelate
 told him, in answer to all he alledged on this
 subject, that if, by his own authority only, he
 had resumed a legation which was actually ex-
 pired, *the king, for whose sake it was resumed,* V. Epist. 10.
might obey it; but he would not. He was the l. iii.
 more discontented, because, in the terms now
 offered by Henry, of which Vivian sent him a
 copy, there was no promise made of reparation
 of damages; though some intimations were giv- V. Epist. 6
 en, that, if he would act in this reconciliation, 62. l. iii.
 so as to deserve the favour of his sovereign,

A. D. 1169. that prince would again set him at the head of his kingdom, and let him feel no want of any kind. As he did not intend to comply with the conditions prescribed, and grounded his demand, not on favour, but justice, he looked upon these offers as nugatory or insidious. Nevertheless he could not decently refuse his consent to Vivian's entreaty, that he would attend on a conference between the two kings, which was held at St. Denys about the middle of November in this year eleven hundred and sixty-eight. Henry went thither on pretence of devotion; but his real design was to mitigate the ill temper of Louis towards him, which he feared would soon occasion a new war with that king. This he partly effected by promising to treat in an amicable manner with the earl of Toulouse, on the claim of his son Richard, as duke of Aquitaine, to that earldom; and moreover to send that young prince to be educated in the court of France under Louis; which I can hardly believe he intended to perform: as, certainly, it would have been liable to many and weighty objections. Becket did not appear in person at this meeting, but he came so nigh as to Paris, and from thence sent a petition, containing the conditions upon which he desired to be reconciled to the king. The words were these: " This is what we ask of our lord the
 " king, according to the mandate and counsel
 " of our lord the pope, that for the love of
 " God, and of our lord the pope, and to the
 " honour of the holy church, and his own sal-
 " vation, and that of his heirs, he would re-
 " ceive us into his favour, and grant to us, and
 " to all persons, who with and for us departed
 " out of the kingdom, peace, and entire securi-
 " ty from him and his, without deceit; and
 " would restore to us the church of Canterbu-
 " ry,

V. Epist. 62.
 l. iii.

“ry, in as ample and free a manner as we ever A. D. 1169.
 “enjoyed it, in it’s best condition, since our pro-
 “motion to that see, and all our former posses-
 “sions, to have and to hold them, as freely as
 “quietly, and as honourably, as they have
 “been had and held by us, at any time since
 “our said promotion: and that our exiled friends,
 “may, in like manner, have their benefices, or
 “any other possessions, which they had enjoyed,
 “restored to them. We further ask of our lord
 “the king, that he would permit all churches and
 “prebends belonging to the archbishoprick, which
 “have become vacant since we went out of the
 “kingdom, to be put into our hands, that we
 “may dispose of them as our own, in what man-
 “ner we please.” There is no mention here made
 of reparation of damages, either to Becket or his
 friends: which it is probable the archbishop was
 induced to omit, because the pope, in the man-
 date, to which the petition refers, had been silent
 about it: but he sent word to the king that, to
 avoid any blame with relation to that point, he
 would be advised by his Holiness what he ought to
 demand.

In the petition some particulars are worthy of
 note. Besides the caution with which every arti-
 cle of it is guarded, the words, *to his own salvati-*
on and that of his heirs, were thrown in with great
 art, and meant to intimate, that neither Henry, V. Epist. 62.
 nor his heirs, could be *saved*, if he or they should ut supra.
 persist in this quarrel with the church. Nor were
 the preceding words, *to the honour of the church*,
 without some malignity; for they imported, that,
 instead of this peace being acknowledged as a grace
 from the king, the church had triumphed over him.
 Henry saw this, and framed his answer as cunning-
 ly, though in much fewer words. He said he
 would allow, that the archbishop should have the
 see of Canterbury in peace, and those possessions
 O o 4 which

A. D. 1169. *which had been held by his predecessors, and as they were held by them; thus excluding him from the enjoyment of all new acquisitions which he had made to his church, or was desirous of making, and indirectly subjecting him to those customs of the realm, under which the preceding archbishops of Canterbury had held their temporalities. But they with whom he was treating were as sharp in discerning the intent of his answer, as he was in framing it; and because he would not recede from it nor admit the petition sent by Becket, Vivian declared, that he had broken his word, and complaining of him, as capitious and insincere, refused to meddle any more in the negociation.*

V. Epist. 61,
62. l. iii.

Nevertheless a new petition, in different words, was drawn up by Becket, and delivered to Henry at Montmartre on his return from St. Denys, by the archbishop of Rouen and the bishop of Seez. His prayer now was, "that, for the love of God and of the pope, the king would restore, to him and his, favour, peace, and security, their possessions, *and every thing that had been taken from them; upon which conditions he offered to pay him all that an archbishop owed to his prince.* This form was shorter, and might at first appear less exceptionable, than the former petition; but in the words, *every thing that had been taken from them,* the revenues they had lost during the time of their banishment, and a compensation for all damages, might be implied: nor was it certain that the promise Becket made on his part would be any security for his future obedience; as his whole dispute with the crown had arisen from the question, *what it was that an archbishop owed to his prince.* The king answered, "that from his soul he willingly forgave him all past offences; and, with regard to any complaints against himself, on the part of that prelate, he was ready to stand to the sentence of the court of his liege, the king of France, or
to

V. Epist. 62.
l. iii.

to the judgement of the Gallican church, or the A. D. 1169. university of Paris." This proposal was so fair, that it required an uncommon skill in chicane to know how to object to it. When it was carried to Becket, he felt the force of it, and therefore only replied, "that he did not refuse the judgement of the French parliament, or of the Gallican church, if it so pleased the king; *but that he had rather compound with him amicably, than litigate, if such were his will.*" He added, "that if the king would restore to him and his friends the church of Canterbury, with their possessions; and give them a pledge of his favour and their safety, by *the kiss of peace*, he was ready to receive it; only desiring that the king would pay to the church half the value of the moveables taken away, to discharge his debts and those of his friends, and make the repairs that were necessary in their estates, after the waste that had been committed upon them; an estimate of which he delivered to Henry, revised and corrected by the commissioners that prince had appointed." Among those estates, the restitution whereof he demanded, three were claimed by the crown; and in some private instructions to two agents, whom he sent to the pope at this time, he positively declares "he would die in banishment, rather than make any peace, unless these were restored." He likewise tells them, "that Vivian and the bishop of Seez had assured him, from the
" mouth of the king, that, if the peace was not
" stopt, that prince would give him a thousand
" marks; but he notifies to them a resolution to
" demand in present a moiety of the full value
" of the moveables lost, and to be directed by
" the advice of the pope, or the clergy, concern-
" ing the remainder;" adding, "that, with re-
" gard to this, he was willing to shew a patient
" forbearance, in consideration of the devotion
" towards the church, and the cordiality towards
" him,

A. D. 1169. " him, which the king should give proof of, in
 " his future behaviour; because it was expedient
 " for the church of Rome, as well as of England,
 " that she should have something in her power to
 " keep him in awe with, and to bring out against
 " him, if he should begin new disturbances and
 " seditions."

V. Epist. 61,
 62. l. iii.
 Epist. 46. l.
 v. Quadri-
 logus.

When this paper was delivered, the king made evasive answers, which seemed to consent to all that was demanded, but were clogged with such conditions, as he was certain the archbishop would refuse to submit to. And the *kiss of peace*, which was then a customary form in all reconciliations, he plainly said he could not grant, though he was very willing to do it; because, in the heat of his anger, he had publicly sworn, that he never would give it to Becket; but he declared he would retain no rancour against him. It ill became an archbishop to make light of a difficulty founded on a strict sense of the obligation of an oath; nor could a subject, consistently with any sense of his duty, require his sovereign to disgrace himself in the eyes of the world, by publicly departing from what he had publicly sworn. Yet this seems to have had no weight with Becket; and we are told that the opinion of the king of France and the earl of Blois, whom he consulted upon it, helped to determine him not to accept of a peace without this form.

V. Epist. 61.
 63, 64. l. iii.

Vivian was much soured at the ill success of the negociation, which the king had made him renew; and set out again to go to Italy. As soon as Henry was informed of his departure, he sent a messenger after him, with many fair words, and a gift of money; but this was returned by the nuncio with a decent complaint, "that, after he had laboured so much in his service, and had lost for him the favour of many and great persons, Henry should endeavour to render him infamous, as being

ing corrupted with bribes." In the same epistle A. D. 1169 he exhorted him to grant the archbishop's petition, to give that prelate *the kiss of peace*, and, by a liberal reparation to atone for the crime of having unjustly seized his goods and those of his friends: which admonition was concluded by a positive declaration, "that, if Henry should now reject this counsel, the last he would give him, *repentance would come too late.*"

The king from this letter had great reason to fear, that the soothing arts, which hitherto he had condescended to make use of, would not avail him much longer; and therefore he now had recourse to very different methods, more becoming the majesty of a great monarch, in order to secure his person and kingdom against the expected hostilities from Rome and Becket. With this intent he lost no time in sending over to England the following injunctions, which were of much the same nature with the orders he had given in the year eleven hundred and sixty-six, when the archbishop first threatened him with excommunication, but more extensive, and some in articles more severe.

1. If any person be found carrying letters from the pope, or any mandate from the archbishop of Canterbury, containing an interdict of divine service in England, let him be apprehended, and let justice be done upon him without delay *as a traitor to the king and kingdom.* V. Appendix

2. Let no ecclesiastick, of what order soever, be suffered to go beyond sea, or to return into England, without a pass from the king's justiciary for his going out, and from the king himself for his return, under pain of imprisonment.

3. No man may appeal, either to the pope, or the archbishop.

4. No plea shall be held of the mandates of the pope, or the archbishop; nor shall any mandate

Epist. 268.
ut supra.
Gervase. Co-
dex Cotton,
l. i. p. 27.
V. Epist. 54.
l. iv. fol. 291.

A. D. 1169. date of theirs be received by any person in England, under pain of imprisonment.

5. It is likewise generally forbidden, that any message be carried by any person, from any of the clergy, or laity, to the pope, or to the archbishop, under the same penalty.

6. If any bishops, clergymen, abbots, or laymen, shall obey the sentence of interdict, let them be instantly banished the realm, *and all their kindred*, and not suffered to carry with them any of their goods and chattels.

7. The goods and chattles of all those who favour the pope, or the archbishop; and all their possessions, *and the possessions of all who belong to them, of whatsoever degree, order, sex, or condition they may be*, shall be seized and confiscated into the hands of the king.

8. Let all clergymen, having any revenues in England, be summoned through every county, that within three months they return into England, as they value their revenues, which, if they do not come by the term prescribed, shall be seized into the king's hands.

9. Let Peter-pence be no longer paid to the pope, but carefully collected, and kept in the king's treasury, and laid out according to his orders.

Most of these articles are unquestionably agreeable to the constitution of England: but two of them contained clauses entirely repugnant to natural justice, viz. the 6th and 7th articles, in which the penalties inflicted on those who should obey the sentence of interdict, or favour the pope or the archbishop, are extended to *their kindred, and to all who belong to them, of whatever degree, or order, or sex, or condition they may be*. Inheritances indeed are still liable to forfeiture for high treason, and even for felony, by our law; as they are in most other countries: but the principles, alledged to justify that severity, will not extend to the case of the persons subjected to the penalties beforementioned.

oned. Those principles are, that no man can have *a natural right to inherit*; such a right being derived from the positive institutions of civil society, which may therefore confer it with such restrictions or conditions, as the safety of the community may be thought to require. And whatever a man is at liberty to dispose of, or give away from his children, the state may take from him, without injury to his children, if, *by his own act*, he has wilfully incurred the forfeiture of it according to law. But, that any person should forfeit, *by the act of another*, what belongs to himself, or suffer the loss of any *natural right, for the delinquency of another, in which he no way partakes, and has not voluntarily made himself responsible for*, is such an injustice as no government upon earth has power to authorize. Some nations indeed have put to death all the kindred of traitors.. The Macedonians did so, though their kingdom was a limited monarchy; and the Carthaginians, though their state was a kind of republick. Nay, such was the inhumanity of the Roman civil laws, even under Christian emperours, that in one of Arcadius and Honorius it is called *a special act of imperial mercy* to grant to the sons of a convicted traitor *their lives*: and they are declared thereby incapable of any inheritance, not only from their father, but from any other relation, or of receiving any bequest from a stranger, or of attaining to any office, or dignity in the state. Nor are these incapacities limited to the case of a treason committed by the father against the emperour himself, or his family; but extend equally to the sons of persons convicted of having conspired the death of any of his counsellours, or any of his senators, or even of any of those who served in his armies. And, what is more surprising, this unjust and barbarous law is transcribed in the *golden bull*, almost word for word, and makes part at this day of the constitution of the empire, as confirmed by the treaties of

Munster

A. D. 1162.
V. Codicis
I ix. tit. 8.
ad legem Ju-
liam majes-
tatis, l. v

A. D. 1169
V. Bullam
Auream, c.
24 sect.
1. 4.

Munster and Osnaburg, in the case of a conspiracy against the life of an elector, ecclesiastick or civil. But in these instances, and some other which might be produced, the principles of justice were sacrificed to an excessive desire of securing the government, by extraordinary terrors, against the danger of treasons. And thus, under the administration of king Henry the second, the independence and majesty of the state having been shaken by the outrageous attempts of the pope and the clergy, it was judged necessary to arm the civil authority with these dreadful powers, that all the families of those churchmen, who might be inclined to abett any offence of that nature, should be obliged to restrain them, and to watch over their conduct with a vigilant eye, for fear of being themselves involved in the punishment of their crimes. It has been mentioned before, that the families of those bishops, who refused to obey the king's mandate for the election of Becket to the see of Canterbury, had been threatened with banishment by the Grand-justiciary Richard de Luci; and that it was actually executed on Becket's relations, and all who were intimately connected with him in any manner whatsoever. Nothing can justify such an iniquitous and cruel proscription of innocent persons. But that Henry and his justiciary did not act therein without some warrant of law may be reasonably inferred from these articles, which denounce the same penalties against all the kindred of other offenders, *before the offence was committed*: so that the extreme rigour of them cannot be imputed to any sudden heat of anger. They were certainly framed by the king with the opinion and advice of his council. None of his judges remonstrated against them as *illegal*. Nor does it appear that, afterwards, on his return into England, any complaint was made of them in parliament. But further, I find, that the same practice, of extending the punishment for offences of this sort to the

the whole kindred of the criminal, prevailed, during this age, in the kingdom of Scotland. For, in the year eleven hundred and eighty one, some clergymen having presumed to pay their obedience to the bishop of St. Andrew's, who had been driven into exile by William the Lion, king of Scotland, and had thereupon excommunicated some of his nobles, that prince banished them, and all their relations with them, *even those* (says the contemporary abbot of Peterborough) *who were still in their cradles, or at the breasts of their mothers.* It may be said, that the Scotch king derived this act of tyranny from the precedent set him by Henry the Second in England: but I think it more likely that the governments of both kingdoms had taken it before from some other source; and most probably from the Roman imperial law, which, as hath been observed in the preceding book of this history, began early in this reign to mix itself with the ancient jurisprudence of England.

However this may have been, the articles above-mentioned were received with no marks of dissatisfaction or dislike, by the lay-subjects of this kingdom, who took an oath to observe them in every particular. And the manner of doing it is remarkable. The sheriffs were ordered to summon all the military tenants, and other freeholders, in their several counties, to appear at the county-court, and there be sworn to these articles; which was likewise to be performed in all cities and boroughs.

They were also to send their officers into the villages, and by them the inferior orders of peasants, who did not come to the county-court, were to have the same oath administered to them. It was accordingly taken by all the laity throughout the whole kingdom, from boys to decrepit old men, as we learn from Gervase of Canterbury, a contemporary historian, who calls it *an abjuration of obedience to pope Alexander and the archbishop of Canterbury.* Bishop

Stillingfleet

A. D. 1169.

V. Benedict.
abb. sub ann.
1181.

Gerv.
Chron.
1458.

Gerv.
Chron.
1409.
See also
Cod. Cotton.
epist. 54. l.
iv.

A. D. 1169. Stillingfleet terms it, *an oath of supremacy made so long ago as in the reign of King Henry the Second, and by his command.* He also mentions it as a *very remarkable thing*, that the bringing over letters from the pope, or any mandate from the archbishop of Canterbury, should, by one of these articles, be punished *as treason*. But the following words explain these letters to be *mandates*, wherein was contained an interdict on the kingdom. And the purpose thereof being evidently to endanger the government, it was not improperly considered as an act of high treason, which ought to be punished by the most rigorous penalties the law could inflict. That all the laity took the oath demanded by the king, and bound themselves to obey such orders as these, without resistance or complaint, is a great proof how unanimously they still concurred with that monarch, in opposition to Becket and the papal pretensions. But the clergy were not so tractable. For when Geoffry Ridel, archdeacon of Can-

V. Epist. 65.
L. iii.

V. Epist. 42.
49. 65. L. iii.

terbury, Richard, archdeacon of Poitiers, and some lay-officers of the crown, were sent by the king with instructions, to assemble all the bishops and abbots at London, and to demand of them the same security, with regard to the articles above-mentioned, none of them would appear there, or in any manner give a countenance to this proceeding. The bishop of Winchester first protested against it, declaring that he would, to the last moment of his life, most devoutly obey the apostolical mandates, and those of the church of Canterbury, to which he had vowed fidelity and obedience: and he enjoined all his clergy to do the same. The bishop of Exeter followed the example of that prelate, and then retired into a monastery. The bishop of Norwich, though expressly forbidden by particular orders from the king, published a sentence of excommunication against the earl of Chester and several others, conformably to in-

junctions

junctions laid upon him by Becket, even in the presence of the officers who brought the prohibition. Then, descending from the pulpit, he laid his pastoral staff on the high altar, and said, “ he would see who would dare sacrilegiously to stretch out their hands against the lands or goods of his church :” after which going into the cloister of the abbey he lived there with the monks. The bishop of Chester was equally obedient to the archbishop’s injunctions, and then, to secure himself from the officers of the crown, he withdrew into a part of his diocese inhabited only by the Welch. Thus did the clergy declare an open rebellion against the royal authority, rather than venture to offend their master, the pope. As to the laity who had taken this oath, they were absolved from the obligation of it by letters from Becket, which he found secret methods to convey into England : but that many of them desired to avail themselves of the benefit of this absolution does in no wise appear.

The king’s thoughts were now intent upon a matter of importance, which he had for some time been revolving in his mind. His eldest son was the darling and delight of his heart. If he should happen to die during the tender age of that prince, it was possible that some of the nephews of Stephen, or the earl of Boulogne, who had married the daughter of that king, might aspire to the crown. The election of Stephen against the many repeated oaths, which the whole nation had taken to establish the succession in the Empress Matilda, made such engagements appear an insufficient security. Some other precaution was therefore supposed to be necessary, and, agreeably to the general custom of those times, it was thought most adviseable for the king in his own life-time to crown his heir, and, with the consent and authority of parliament, declare him king *in subordination to himself* : I say in

A. D. 1170.
See Hale's
pleas of the
crown.

subordination to himself; for, although this coronation made him a sovereign over all others within the realm, it left him a subject with respect to his father, and he owed the same allegiance to him as before. Nor was there annexed to this royalty any separate appenage, or independent jurisdiction: so that indeed it was no more than an empty title, which gave an encrease of dignity, but none of power, unless when the father should be out of the kingdom, or under some incapacity to exercise his authority: for then it was understood that the administration would, of course, devolve to the son. This had been continually practised in France, from the reign of Hugh Capet down to Louis the Seventh, who was then on the throne. And from hence I think it evident, beyond all contradiction, that the kings of France in those days acknowledged in the nation a right to confirm or alter the succession: since they did not rely on any natural or legal claim, that their eldest sons had, at their decease, to succeed to the crown; but desired to secure it to them by this anticipated election. Had it been acknowledged, as a maxim of law in those times, *that the throne could never be vacant*, this practice, which meant only to prevent such a vacancy, could not have prevailed in that kingdom. The policy was the same with that of the emperours of Germany now, when they endeavour to induce the diet to elect a king of the Romans: nor can any thing give us a more perfect idea of the nature of these coronations. Upon a similar motive, and in a similar manner, King Stephen had attempted to crown his son Eustace; but yet it must be owned, that strong reasons might have been urged to dissuade King Henry the Second from having recourse to this measure, in order to secure his son's succession. He might have been told, that the desire of *regal power* would be apt to accompany the name of king; and as he did not intend

See P. Daniel.

intend a participation of *that*, it was not prudent, A. D. 1170. by unnecessarily giving the other, to kindle an ambition in the mind of his son, which might easily produce a dangerous flame. That the young prince, who was naturally of a high spirit, would be much more exalted in his own imagination by the accession of this new dignity; nor would there be wanting some wicked flatterers to blow up that pride, and suggest to him notions that *obedience* and *royalty* were incompatible things, or at least that the latter ought always to bring with it some real advantage, besides the empty title and pageant robes of a king. That this method of securing the succession, unknown, unthought of in England, till vainly attempted by Stephen, was authorized chiefly by the practice of France: but from that kingdom itself examples might be alledged, to shew the great inconvenience and danger attending it. Hugh Capet, who introduced it in favour of Robert, his eldest son, had often repented the taking of Glaber, l. iii. c. 9. that step, from the disquiet he suffered by his son's P. Daniel. disobedience, and desire of meddling in the government, after being raised to the throne. And when Robert himself had been persuaded, by the solicitations of his wife, against the opinion of his wisest counsellours, to crown his son, he had the mortification to see that prince rebel against him, in order to obtain a greater share in the government, or at least some province in which he might exercise royal authority. Philip the First had been forced to give up two provinces to Louis le Gros, whom he had likewise made king: and if, in other instances, no disturbance had ensued from these premature coronations, it was either because the father had happened to die very soon after the son had been crowned, or because the son did not live to feel that ambition, which such a nominal exaltation to sovereign power must naturally irritate, but could not assuage.

A. D. 1170.

In these objections there was undoubtedly a great force of truth; but in answer to them it may have been speciously urged, that if the advantages attending this practice in France, to the royal family and the realm, had not been found by experience to outweigh very much the inconvenience or danger, it would not have been so long continued. That the same thing had been practised in the latter empire of Germany, with the free consent of the states; and in the kingdom of Sicily, by Roger, the founder of the Norman monarchy there; who, in the year eleven hundred and fifty, about four years before his death, had crowned his son William; an example of great authority, both from the character of that prince, one of the wisest that ever reigned, and from the conformity of the government in its constitutional principles with that established in England. That, although the custom had not prevailed in this nation since the uniting of the heptarchy, it was not without a precedent among the Anglo-Saxons. For Offa the Great had crowned his son in the kingdom of Mercia; nor had any ill consequences happened from it there. That it was the safest and best provision against many accidents to which all kingdoms are liable, such as the long absence, or sickness, or captivity of their kings; and for the preventing of factions, which nothing encourages so much in a monarchy as an unsettled succession. That the right of primogeniture was not firmly established in any kingdom of Europe. That, as Henry had many sons, he could find no other method so sure and effectual to hinder any of them from attempting to overpower that right, in times to come, by the strength of a party among the nobles or people, as the crowning of the eldest during his own life, and without further loss of time: for this would produce in the minds of the younger an habitual obedience to him, as their sovereign; which,

which, if they did not contract it in their infancy, they might not so easily learn in a riper age; especially having before them the example of the three sons of William the First, the two youngest of whom successively obtained the dominion of England, without any regard to the title of the eldest, who never was able to make it good. And the obligation conferred on Prince Henry by this encrease of his dignity, together with the future more solid advantages he would be sure to draw from it, must, in all reason, be rather an additional bond, to secure his obedience and duty to his father, than any incitement to depart from them, as those who argued against it had supposed.

These considerations prevailed; and, indeed, it seems that the king had been determined upon the measure some years before. For, when the see of Canterbury was vacant, by the death of Archbishop Theobald, as he then apprehended that the election of Becket might meet with some difficulty, he obtained a bull from the pope, empowering him to cause his son Henry to be crowned by what bishop he pleased. This appears from a letter written by that prelate: and from another written to him, we also learn, that, in the year eleven hundred and sixty-four, it was reported in France, that the coronation would be performed by the hands of Pope Alexander, who was to go to England for that purpose. John of Salisbury, who sent this intelligence, adds, that it was imagined the design of crowning the prince was *deferred* on that account. There is reason to think that this report was well founded; for, as Louis le Jeune had been crowned during the life of his father, by Innocent the Second, who then was in France, Henry might naturally wish, in similar circumstances, to procure the same honour to be done to his son by Alexander the Third. But this, I suppose, was prevented by

V. Epist. 45.
l. v.

V. Epist.
241. l. i.

A. D. 1170. the subsequent disputes between him and that pontiff. After that time no further mention is made of this business, till the year eleven hundred and sixty-eight, when (as a passage in a letter then written informs us) Henry's ministers were employed to negotiate about it at Beneventum.

V. Epist. 67.
l. iii.

P. Daniel,
t. iii p. 341.
See also Car.

Some modern authors have supposed, that the principal motive, which induced that monarch to it, was the example of Philip the First, king of France, who, when his own person was threatened with an excommunication, had crowned his son, and by that means had prevented the revolt of his subjects, and all the disorders that would otherwise have ensued when the sentence was past. But it has been shewn, that when Henry was under no apprehensions of spiritual censures he entertained the same design. Nevertheless it is probable that this may have determined him to accomplish it *at this time*. But the archbishop of Canterbury being out of the kingdom, and the crowning of the kings of England having for some time been reputed one of the rights of that see, the ceremony could not be performed in his absence, without an objection in point of form, which might give a pretence to dispute the validity of it, and much affect the superstitious minds of the vulgar, with whom forms are essentials in solemnities of this nature. To this objection the former bull obtained from the pope was not a good answer, because Alexander gave *that* on the supposition of there being no archbishop of Canterbury when the young prince should be crowned, and not in derogation to any privilege of that see. William the First indeed had been crowned by the archbishop of York: but there was at that time no archbishop of Canterbury acknowledged by the pope: for Stigand's election was deemed not canonical, and (as Becket affirms in a letter to Alexander) he was then excommunicated by the apostolical see, for

V. Epist. 45
l. iv.

V. Epist.
prædict.

for holding, against her prohibitions, together A. D. 1170. with Canterbury, the sees of Winchester, London, Worcester, and Ely. Another more recent example, which the king had to plead, was the coronation of his grandfather, Henry the First, by the bishop of Hereford, in the absence of Anselm, who had then left the kingdom, upon a dispute with the crown of much the same nature Ibidem. as that of Becket at present: but the bishop of Hereford acted as substitute to his absent metropolitan, and as soon as Anselm came home, the king excused what had been done from the necessity of the time, and delivering to him his crown, in the presence of all his nobility, desired to receive it from his hands; *because the anointing and consecrating a king of England was a dignity annexed to his see:* which being thought by the archbishop a full satisfaction, he approved the act of his suffragan, and replaced the crown on the head of Henry. After such an extraordinary compliment made to the see of Canterbury in this matter, by so prudent a king, whose example in most points was a law to his grandson, the latter could not easily dispute its pretensions. But, as he would neither suffer Becket to return into England, nor any longer defer his son's coronation, it was necessary to act as if there had been no archbishop of Canterbury, and let the ceremony be performed by some other prelate. The archbishop of York, as the highest in dignity, appeared the most proper to execute such a function. In the year eleven hundred and sixty-two, after Becket's election and consecration, he had claimed that office as one of the rights of his see, and obtained a bull from Pope Alexander himself to confirm it, on the V. Epist. 10. foundation of many precedents, which he brought l. i. to support it from times antecedent to the Norman government in this kingdom. Neverthe-

A. D. 1170. less Becket afterwards procured from that pontiff
 V. Epist. 41. a revocation of this bull, by a letter forbidding the
 I. iv. archbishop of York, and all the bishops of Eng-
 land, to do any act against the authority and
 dignity of the church of Canterbury, which be-
 ing materially concerned in this particular, it was
 naturally understood that hereby the former grant
 was repealed. There is no date to this letter;
 V. Epist. 36. but from others we find, that it had been received
 I. iv. 24. l. v. before this time; and, as the king was apprehensive that none of the bishops would venture to disregard the prohibition it contained, he ordered two of the ministers whom he sent to the pope, after the conclusion of the conference at Montmirail, viz. Richard Barre and the archdeacon of Landaffe, to use their utmost endeavours to obtain from Alexander a new letter, not only to empower, but command, the archbishop of York, to crown the prince, his son, at any time, when he should require it of him. One can hardly conceive that Alexander should have been brought, by any persuasions, to grant a request which he knew was so offensive to Becket. But yet he did grant it; and declared *that this office belonged to the see of York*. The letter is extant in manuscript among those of Becket, both in the Cotton library and in the Bodleian; but, for the honour of the pope, it was omitted in the edition made of them at Brussels from the Vatican manuscript. Henry received it, on the return of Richard Barre and the archdeacon of Landaffe, about the latter end of the month of February, in the year eleven hundred and seventy. He had kept his Christmas at Nantes, with Geoffry, his son, in the most pompous manner: and after the solemnity of that festival they had made a progress together over all Bretagne, to receive the homage and fealty of the nobles and freemen of that dutchy, who had not paid it before. We likewise

MS. Cotton.
 Claudius b.
 II. fol. 288,
 MS Bodley
 See also the
 Appendix.

Benedictus
 Abbas, sub
 ann, 1170.

likewise are told that the king proceeded judicially against the earl of Pontieure, and deprived him of almost all the honours and power he had possessed in that country: the cause of which, I make no doubt, was his not having appeared to pay his duty to his prince on this occasion, or some act of rebellion or contumacy of which he was guilty. For no complaint was made by Louis of any injustice having been done by this sentence, or of any breach of the amnesty granted to the confederate lords in Bretagne by the late treaty of Montmirail; as there would have certainly been, if Eudo had not deprived himself of the benefit of that treaty by his own fault.

These affairs being settled, Henry returned into Normandy, and through the mediation of some of his clergy in that country, proposed to Becket new offers for an agreement between them upon general terms, namely, *that each of them should perform what he owed to the other*. But he seems to have done it only to amuse the archbishop, till he should hear what success John of Oxford and the two archdeacons of Rouen and of Seez, whom he had sent to Beneventum soon after the conference held at Montmartre, had met with in their business. Of this an account was brought to him by Richard Barre and the archdeacon of Landaffe, together with the abovementioned letter or mandate, to the archbishop of York. Upon which he immediately signified to Becket, who had set out from Sens in order to attend him at Caen, that he would have him proceed no further; because he was obliged to go over into England without delay.

Before the return of these ministers, that prelate, being aware, either from intelligence or suspicion, of Henry's purpose to crown his son, had entreated the pope to assert the right of the see of Canterbury, and to lay a restraint on the archbishop

A. D. 1170.

V. Epist. 18.

l. v.

A. D. 1170. bishop of York, and all other English bishops, from presuming to intermeddle in that coronation; which was granted to him in terms as strong and ample as he himself could desire. The privilege of his see was declared, and the prohibition enforced by *the apostolick authority*. Nay, the bishops were told, *that if any one of them should presume to attempt it, he should undoubtedly know, that it would be to the great peril of his office and order*. His Holiness also denied them any appeal to himself on this matter. The letter is dated the twenty-sixth of February, and must have been sent within a few weeks after that, in which Alexander, by the same *apostolick authority*, had impowered and commanded the archbishop of York to crown the young prince, *as the performing of that function belonged to his see*; which he took no notice of to Becket. It also appears that he earnestly desired the king to conceal from that prelate his having received such a letter. A more scandalous instance of double dealing can no where be found! And it will be seen that his Holiness, in the progress and consequences of this business, went still greater lengths, with the most astonishing impudence of dissimulation.

Besides the mandate concerning the young prince's coronation, John of Oxford and the archdeacons of Rouen and of Seez had obtained for the king, that a commission should be sent by the archdeacon of Landaffe and Richard Barre to the archbishop of Rouen and the bishop of Nevers, for the concluding of an agreement between him and Becket, on terms which he himself had proposed to his Holiness by the advice of his council. They were expressed in these words, "that, for
 " the love of God, of the pope, and of the church
 " of Rome, the king would permit the archbi-
 " shop of Canterbury to return in safety to his
 " church, and to hold and enjoy it in peace, and
 " all

V. Epist. 42.
 l. iv.

V. Epistolam
 MS. in Ap-
 pend.

V. Epist. 45.
 l. v.

V. Epist. l. 4.
 14. l. v.

“ all his possessions, as he had held them before A. D. 1170.
“ he went out of the kingdom, while he was in
“ the king’s favour; and the same to those who
“ were banished on his account.” And whereas
the king, out of regard to the publick oath he
had sworn, not to give Becket *the kiss of peace*, had
proposed, that his eldest son should give it for him,
Alexander consented to accept the expedient, if
the archbishop himself could be induced to agree
to it; and ordered the legates to labour that point
with him, unless they could persuade the king to
give up his scruple; which to render more easy, he
absolved him from his oath, and enjoined him to
give the kiss, *for the remission of his sins*: at the
same time admonishing Becket, that, as much as
he could with safety to the liberty of the church,
and without any danger to himself, or his friends,
he should humble himself towards the king. But
if, upon these conditions, peace was not conclud-
ed within forty days after the king had been ad-
monished by the legates to make it agreeably to
his promise, they were then commanded to lay all
his dominions in France under an interdict, with-
out any allowance of a further appeal, unless they
were certain, that, soon after the expiration of
that time, he would fulfil the terms prescribed, or
that the archbishop would agree to receive the
kiss from the son, instead of the father. They
had also a power, upon an assured expectation of
peace being made, to absolve the excommunicated,
with a proviso, that, if the expected reconciliation
did not ensue, their former sentence should be re-
newed without appeal. And Alexander said, in
a letter he wrote to the king, “ that if peace
“ should not be made, upon the plan now laid
“ down, and they who had declared their appeal
“ to the see of Rome thought proper to pursue it,
“ he would hear their defence and judge their
“ cause, as God should inspire him; for which
“ hearing

A. D. 1170. "hearing he appointed the next feast of St. Luke." His Holiness was unwilling to incumber the treaty with any further conditions; yet he instructed the legates, "that they should endeavour to gain for the archbishop a thousand marks, which, Vivian had told him, the king was willing to give that prelate, as a supply for his present necessities: but, in case of a refusal, the reconciliation was not to be stopt on this account. And they were further directed, that, not immediately after the peace was concluded, but within a short time, as their discretion should judge most proper and convenient, they should, in the name of the Lord, admonish the king and injoin him, for the remission of his sins, *to abolish the evil customs or laws of his realm, especially those, which he had of late introduced, against his own salvation, and the liberty of the church; to release his bishops and other subjects from the observance of them, and repay to the archbishop, and those that belenged to him, the profits of the revenues which he had seized.* If the king, upon their admonition, did not yield to these propositions, then they were ordered, as soon as possible, to signify by a letter to his Holiness, in concert with Becket, which of the customs it was most necessary to insist on the abolition of, and how much of the profits received by him the king was willing to pay." All this was thrown in, only to stop Becket's mouth, that he might not complain of those points being given up by the pope, which he and his friends had most at heart. For there was no great likelihood that the king would be brought to do any thing *after the peace*, which he would not do *for the peace*. And Becket so understood it; for he was extremely dissatisfied with the commission, and told the pope, "the king had been summoned often enough upon this matter, and it was time to proceed to judgement."

His

His disgust was much encreased by the absolution A. D. 1170. of the bishops of London and Salisbury, which the pope had particularly ordered the legates, or either V. Epist. 20, 21. l. v. of them, to give, in terms very honourable to the bishop of London, whom his Holiness called *a religious, learned, prudent, and discreet man*; only taking an oath of them, as was usually done on these occasions, that they would submit to his mandate, with regard to the final decision of their cause. When Becket heard this, he wrote to his friends Cardinal Albert and Gratian, in a style which expressed the utmost fury of resentment. *Satan*, he said, *was let loose again to the destruction of the church; Barabbas was freed and Christ was crucified a second time*: adding that *St. Peter himself, if he was upon earth, could not have power to absolve such impenitent sinners*. Having enlarged upon this, and bitterly inveighed against the court of Rome, he broke out into these words, “I cannot defend the liberty of the church, because V. Epist. 1. l. v. the apostolick see has now protracted my exile to the end of the sixth year. Let God see, and judge. *But I am ready to die for it*. Let any cardinals, who will, rise up against me, let them arm, not only the king of England, but the whole world, if they can, to my destruction; I, by the divine protection, will neither living nor dying recede from my fidelity to the church. Henceforth I commit to God, for whose sake I suffer proscription and banishment, the maintenance of *his own cause*. Let him find such remedies as he knows how to apply in the greatest difficulties. I purpose to give no further trouble to the court of Rome: let those apply to it, who prevail in their iniquities, and having triumphed over justice, and captivated innocence, return with pride and boasting, to the confusion of the church.” Thus wrote Becket to Cardinal Albert; and the other letter to Gratian was little

A. D. 1170. little different in matter or expression. He also
 V. Epist. 22. made the whole band of his companions in exile
 23. l. v. write to them in the same style, and declare the
 same resolution not to litigate with their adver-
 saries, but commit to God *his own cause*, as he had
 done. Yet the appearance in this matter was worse
 than the reality; for Alexander thought he might
 absolutely depend on the peace being concluded;
 as all the conditions of it had been previously set-
 tled between him and the king, except the point
 of the kiss, which he presumed would be got
 over one way or other, either, by Henry's compli-
 ance, or Becket's accepting of the expedient pro-
 posed. As for the absolution of the bishops of
 London and Salisbury, considering that these pre-
 lates were both excommunicated without consult-
 ing his Holiness, and the latter extremely against
 his inclinations, it was no more than Becket had
 reason to expect; especially since he had paid so
 little regard to the warm intercessions which Alex-
 ander had made, that he himself would suspend
 or take off that sentence. Had he seen the man-
 date sent to the archbishop of York, he would
 have complained with more justice: but of that he
 had obtained no certain intelligence; and the letter
 which he soon received from his Holiness being
 so contrary to it, he thought the rumour he had
 heard about it was false. The form used therein
 is very remarkable: "*By the authority of St. Peter*
 V. Appendix *and ours, we grant, with the advice and consent of*
our brethren, that our dear son, Prince Henry, should
be crowned king of England." This supposed in
 the pope and the college of cardinals a right and
 power to dispose of the crown of England: where-
 as the king had asked a bull only to settle the cere-
 monial of his son's coronation. And thus did the see
 of Rome take every occasion of applications made
 to it for different purposes, to encroach upon the
 rights of civil states, and draw to itself all dominion.

Henry

Henry did not enough attend to the purport of these insidious words, but considered only the present benefit from Alexander's assent to what he desired, and being impatient to put it in execution, lest Becket and his friends should find some means to prevent or obstruct it, he hastened over to England. While he was passing the channel, in the beginning of March, so great a tempest arose, about the middle of the night, that a fleet of fifty ships, which attended him in his passage, was dispersed and terribly shattered. One of them sunk, aboard of which was Radulph de Bellomont, the king's physician, and Henry de Agnis, who is called, by a contemporary author, *the most noble of the barons of England*, with his wife and two children, and several other considerable persons of the king's household, besides four hundred sailors and passengers of an inferior rank. The king, after his safety had been almost despaired of during eight or nine hours, got at last into Portsmouth, to the great joy of his kingdom, from which he had now been absent little less than four years.

V. Benedict,
sabb. t. i. p. 2.

So long an absence was one, and not the least inconvenience, that the many territories, which it's sovereign possessed in France, inevitable brought upon England. Those dominions were in too unquiet a state to be easily governed by delegated powers, and often required the presence of Henry himself to keep them in order. While therefore that prince was necessarily employed in a very anxious attention to his interests there, or in wars entered into for the sake of those interests, he was obliged to neglect the government of his kingdom; and of this negligence he now felt the bad effects. There had arisen, in his absence, a great disorder and malversation in the collection of the royal revenues, and in all judicial proceedings, excepting only those of his own supreme court. To redress these grievances, of which complaints

A. D. 1170. complaints had been made from every part of his realm, was the first object of his care on his return into England. He kept his Easter at Windsor, and held a parliament there, wherein he appointed a commission of enquiry, consisting of earls, barons, knights, and some dignified clergymen, who were to divide the whole kingdom into different circuits, and, as they went over it, strictly to examine all persons concerned in the administration of justice; archbishops, bishops, abbots, priors, earls, barons, sheriffs, and their deputies; vassals, citizens, burgesses, and officers employed under them; officers of the revenue, of the king's lands, and of his forests; what they had taken of the several persons under their jurisdiction, while the king was in Normandy, judicially, or otherwise; upon what claim, occasion, or evidence: what extortion, what corrupt, what partiality, what in justice, what fraud, or what neglect of duty, any among them had been guilty of, during that period of time. The several articles the reader may see more at large, in the appendix to this volume, where the whole record is transcribed from

Gervase, fol. Gervase of Canterbury, who lived at that time.

1410.

V. Appendix

And certainly it deserves a particular notice: for in all the history of this kingdom there cannot be found a more extraordinary exercise of the royal authority to the redress of mal-administration. The constitution of England has vested in the crown, assisted by parliament, that superintending power over the conduct of magistrates, without the exercise of which the welfare of no government, and much less of a free government, can long be maintained. For the wisest system of laws will be destroyed by corruption, if there is not a continual and vigilant care to enforce their execution, to prevent the abuse of them, and to punish those ministers and officers of state, who break their trust. When therefore our kings, to whom
in

in the first place this care belongs, and by whom A. D. 1170. it is most easily and beneficially exerted, omit to attend to it, either through ignorance or neglect, or any partial affection, it then becomes the duty of parliament to demand the redress of such abuses, and take those methods to obtain it, which, by it's own proper constitutional powers, that assembly is enabled to use, and has used, to the great benefit of the publick, even from the earliest times of our government. The assistance of those powers may also be prudently called in by the king in prosecuting and punishing high misdemeanors, when the offenders are numerous, and able to form a strong combination against the royal justice. For the intervention of parliament strengthens the royal authority, and shields it from the odium which all extensive correction is apt to excite. This Henry well knew, and accordingly, in effecting this reformation, he wisely chose to proceed with the advice and concurrence of his great council: nor ever, before or since that time, has any king of England, in conjunction with his parliament, discharged a duty of this nature with such remarkable spirit. The whole nobility and magistracy of the realm was subjected to the enquiry now made. Even the ecclesiastical courts, established in each diocese, were not excepted. Justice seemed to have returned with the king into England, and to have summoned all who had abused the authority of her name to a general judgment.

Upon the report of the commissioners, Henry turned out at once almost all the sheriffs in the kingdom, and their bailiffs, or deputies, for oppressing his people, or defrauding the crown of it's Benedictus abbas. Hoveden, sub ann. 1170. dues. Nor did he suffer them to go off without finding sureties to make proper satisfaction to the parties aggrieved, and likewise to the crown. The barons who had a judicature in right of their lands, could not be deprived of it in the same manner as the sheriffs or bailiffs, who were removeable from

A. D. 1170
Gervase,
Chron. sub
eodem anno

their offices upon misbehaviour: but, as all who had been charged with any offence by the commissioners of enquiry appeared with their sureties, in the following parliament, to answer that charge; and as, in the letters of Becket, written after this time, I find not a word accusing Henry of partiality in all this proceeding, I think we may conclude, that they were severally obliged to make reparation for any injuries they had done to their suitors and vassals; though, from an expression in one of our ancient historians, it may be inferred, that the king remitted to them the fines, and all pecuniary demands, which were due to himself. Yet it does not appear, that he past, on this occasion, any act of oblivion. He seems to have kept the rod still over their heads, that he might deter them thereby from any similar misdemeanors in times to come.

Gervase,
Chron. sub
eodem anno

When he had thus re-established the good order of the state, and made his people the best reparation in his power for what they had suffered by his absence, he proposed to his parliament, which had been summoned to meet him at London on the feast of St. Barnabas, the affair of his son's coronation. They agreed to it without one dissentient voice.

Gervase, ib.

Gervase of Canterbury seems to insinuate, though obscurely, that the terror which some of them were under, on account of their past misbehaviour, made them more ready to comply with this request. But it is not clear that Henry wanted such an influence over them, to procure their consent. There is no trace of any faction among the temporal barons, from whence he might apprehend opposition to this measure. And as for the clergy, the authority he had obtained from the pope put it out of their power, if it had been in their will, to oppose his desire. Yet, to induce them to concur therein with more cheerfulness, he graciously connived at their late disobedience with regard to the oath he had required them to take. There being therefore,

fore no difficulty on any side in this business, it was A. D. 1170. settled in the great council, that on the following Sunday, the young prince, who was then sixteen years old, should be crowned in Westminster Abbey by the archbishop of York, which was accordingly performed on the fifteenth day of June, in the year eleven hundred and seventy; the bishops of Durham, of London, of Salisbury, and of Rochester, assisting in the ceremony, and (to use the words of an author who lived in those times) *the clergy and people assenting and consenting thereto.* Hoveden, sub ann. 1170.

The prince had been knighted by his royal father that morning. On the next day homage was done to him by William, king of Scotland; which must have been for Lothian; that prince having surrendered the earldom of Huntingdon to David his brother, who in like manner did homage on account of that fief. No doubt, they had done it before to King Henry, the father, perhaps in the parliament held by him at Easter, where we are Benedict. Ab. sub ann. 1170. told they were present. As this transfer of the earldom could not have been made without the consent of that monarch, it is probable the two brothers had come into England on that business. It must be also supposed that the demand of Northumberland had been waved by king William: for, that a grant or cession of that province was made to him now, or at any time before this, is not said by any author who lived in that age.

If we may believe some historians of later times, Henry received a strong proof, even during the ceremonies of his son's coronation, what he had to expect from the arrogance of that prince. It is said by Matthew Paris and Polydore Vergil, that, Mat Paris, p 470 Polydore Vergil. with his own hands, he served up a dish to his table; and that the boy, instead of thanking his father and sovereign for such an honour done to him, said to the archbishop of York, who complimented him upon it, "*that it was not a great condescen-*

A. D. 1170. *son for the son of an earl to serve the son of a king."*

Wilhelmus
in Quadril.

A contemporary writer so far confirms this account, as to say, *that the father ministered to the son at the feast, and declared that he himself was no longer king.* The same writer adds, *that he afterwards repented both of the words and the deed.*

Why he should thus speak or act, so greatly to the prejudice of his own royal dignity, no reason appears. For, that, in exalting his son thus prematurely to the throne, he did not mean to descend from thence himself, nor even to give him an equal share thereof, the reserve expressed in the oaths, which were taken to that prince, undeniably proves.

As this was the first since the union of the Hephtharchy, it was also the last coronation of a son during the life of his father, in the kingdom of England. We also find that the practice was omitted in France after Philip Augustus; a more settled principle of an hereditary right to the crown, in a lineal course of descent, having prevailed from that time in both these nations; which made such a precaution unnecessary to secure the succession.

V. Epist. II.
l. v.

The Princess Margaret was not crowned at the same time with her husband, but remained in Normandy with Queen Eleanor, her mother-in-law, till the ceremony was over. Some of Henry's enemies, and, particularly, Becket's friends, spoke of this as a contempt designedly thrown upon her, and an affront to her father: which had such an effect on the latter, that he immediately took up arms and attacked the Norman frontier. Henry was forced to leave England, and go to repel this invasion, or to pacify Louis. He crossed the sea about Midsummer, and on the sixth of July had a conference with the earl of Blois, whose mediation he was desirous to employ in this business. It was no difficult matter for that earl to convince the king of France, when the heat of his passion was over, that

Benedict.
Abbas.
Hoveden.
Gervase, sub
ann. 1170.

that no slight was intended either to him or his daughter. For Henry, presently after his son's coronation, had sent orders to Normandy, that the young princess should prepare to come over to England, as soon as ever the royal robes and other necessaries for the pomp, which she was to appear in, could be provided for her. If the prince had waited for these, it would have given such notice to Becket, and caused such a delay, as might have afforded some means to that intriguing prelate, if not to defeat, yet to embarrass and perplex the affair with such difficulties, as might be very unpleasant. This Henry much feared, and this alone was the cause why his daughter-in-law was not honoured with the ensigns of royalty together with her husband. Otherwise his own interest would have made him desire to give her that satisfaction, as he would have thereby engaged the king of France, her father, to concur with him in supporting the validity of the act against Becket's objections: which one of that prelate's friends, a person of good understanding, was so sensible of, that, in a letter he wrote to him concerning these transactions, he advised him in no case to make any opposition to her coronation. This matter was therefore so explained by the earl of Blois, that Louis was brought to an interview with Henry, in a meadow situated near Frettevalle, upon the borders of Touraine, but in the district of Chartres. The result of this conference was a renewal of the peace between the two kings, and at the close of it Henry was induced to conclude a reconciliation with Becket, upon the terms before settled between him and the pope.

The archbishop had exerted his utmost endeavours to delay the coronation of the young prince. As soon as he had received the letter from Alexander, which so positively forbid what that pontiff himself had lately authorised and commanded,

A. D. 1170.

V. Epist. 33.

l. v.

V. Epist. 33.

ut supra.

A. D. 1170. namely, the crowning of the prince by the other metropolitan, some means were found by him to transmit it into England, with others written by himself to all the English bishops, wherein he declared, " that he always had desired a peace in *the Lord*, and was now ready to pay all due honour and reverence in *Christ* to the king, and to the young prince, his son, and to anoint and crown the said prince (if it were the king's pleasure) according to the duty of his office, as his predecessor had anointed and crowned the king. He likewise notified to them, that, by the authority of the pope, he forbade any of them to presume to invade this privilege of his see, or to assist at such an invasion, under pain of an anathema, referring them to the apostolical letter or mandate, which he had sent over." But the person to whom all these letters were delivered did not dare to produce them. Others were sent to the convent of Canterbury, with no better success; and the bishop of Worcester, who then was in Normandy, having been summoned to attend the great council in England, upon the affair of the young king's coronation, an attempt was made to prevail on him to carry over with him, and shew to his brethren, a transcript of the pope's mandate, or perhaps the original, if (as seems the more probable) that which Becket had before sent into England, was only a copy. The archbishop wrote a letter, setting before him in all the strong colours of eloquence, the courage and magnanimity of his illustrious father, the brave earl of Glocester, and expressing great confidence that, upon such an occasion, he would not shew himself degenerate, by a timid behaviour. The whole discovers so much of the art and genius of Becket, that I have transcribed it into the Appendix belonging to this book. The bishop of Worcester, with much piety, was a vain and weak man.

This

V. Epist. 44.
45. 46. l. vi.

V. Epist. 11.
l. v.

V. Epist. 40.
l. iv.
Appendix.

This flattery worked him up to a degree of enthusiasm, and made him despise all the danger which such a commission would expose him to from the rigour of the law. Indeed he risked less than any other person, who should commit the same offence; because the memory of his father was dear to the king, and the simplicity of his character was an excuse for his being misled, especially where he imagined, that religion was concerned. But, when he came to Dieppe, with an intention of passing into England, he received an injunction from Eleanor, and Henry's Norman justiciary, Richard de Humet, not to go over, and, more effectually to prevent it, an embargo was laid on all the ships in that harbour. Whether this was done on suspicion only, or in consequence of some notice of what he had charged himself with, is doubtful: but it shews the great vigilance of the government at that time to guard against the attempts which Becket might make to obstruct the coronation: from whence it may be presumed that Alexander himself had intimated to Henry, by the mouth of Richard de Barre or of his colleague, that the measures he was obliged to keep with that prelate might force him to contradict the power he had given. Nothing indeed could be apparently more inconsistent than his whole conduct in this matter. For, besides the abovementioned letter to all the bishops of England, by which he forbade any of them, except the archbishop of Canterbury, to crown the young prince, he sent, not long afterwards, another to Becket, wherein that prelate himself, as well as his brethren, was positively commanded, "not to officiate in or be present at any such coronation, *unless the king should first have released all his subjects from the observation of his customs, and from the oaths which he had lately compelled them to take.*" This was in effect an absolute prohibition

A. D. 1170.
V. Fitte-
phen in vita
Becket.

V. Epist. 42.
l. v.

V. Epist. 43.
ibid.

A. D. 1170. prohibition of Henry's design of crowning his son: for Alexander could not but know that these conditions would not be complied with; and in the mandate he had sent, at the desire of the king, to the archbishop of York, there was not a word concerning the royal customs. He moreover added here another condition, viz. "that Henry should take the same oath to the church, especially the church of Canterbury, which the kings his predecessors had usually taken." This arose from a suspicion of an intention to change the coronation oath, in which the pope was misled by some false information; as he was still more in the notion that the church of Canterbury was particularly named in that oath. It does not appear that the archbishop thought fit to make use of this mandate; nor, in truth, could he do so, without great indiscretion. But he was advised by a friend, whose name is concealed, to try, as his last resource, to induce the king of France to send messengers to Queen Eleanor and Richard de Humet, who should protest, on his part, against the coronation of the young prince. The counsel was judicious, and probably might have succeeded, if the execution of it had not been a little too late; but, before the message was sent, the ceremony was finished.

How sensible a mortification it was to Becket, that he could by no means prevent the archbishop of York from performing this function, and how passionately he desired to do it himself, appears from a remarkable letter, written to him by his secret friend abovementioned. "What will you do

V. Epist. 11. ut supra. Appendix. " (says that person, who seems to have been much in his confidence) what will you do, most wretched of men, if, by the shortness of the time allowed you to act in with respect to this affair, you should be now defrauded of that, which you have sighed for so long? if he, who ought to have reigned by none but you, should be made king by another?"

“ *another?*” These words plainly discover, that A. D. 1170. one of Becket’s views, in desiring to be elected archbishop of Canterbury, was that, by right of his office, he might crown the young prince, which would furnish a pretence to make him believe, *it was by him that he reigned.* Thus the bishops of Rome, because their ministry was employed in crowning the emperors, presumed to assert, that they *gave* the imperial crown, and that without their act an emperor could not be made. Becket hoped that the superstition and ignorance of the times would, in the same manner, ascribe to the archbishops of Canterbury the virtue and power of making kings of England, and that he therefore should most highly oblige his pupil, in conferring upon him the royal dignity, by the ceremonies of unction and consecration. But he now lost this hope. The prince was crowned by another, and (what displeased him more) by the rival of his see, and his personal enemy, the archbishop of York. From the influence of that prelate, which he apprehended would be much encreased by this act, the royal youth might likewise become his enemy, and would be more easily made so by his denying the validity of that coronation. These thoughts were very painful to him, and his grief was inflamed to the highest degree of resentment by his secret correspondent, who warned him, that, in his judgment, all Henry’s professions of being disposed to a reconciliation were only deceit, by which V. Epi&. 11. he meant nothing more, than to gain him for him-l. v. self, and to ensnare him afterwards more securely. Nor did he tell him this meerly as a notion of his own, but informed him that Richard de Ivelcestre, one of the king’s excommunicated servants, when he came to fetch over the prince of England from Caen, had said to *him*, (the person who wrote this anonymous letter) “ that the king would by all
“ means delay the peace with the archbishop, and,
“ rather

A. D. 1170. " rather than make it, would disobey, to the end
 " of his life, not only the pope, but God himself."
 From hence it appears that the person, who corresponded on this occasion with Becket, must have been one suspected by the king's friends, and to whom they spoke their opinions with the utmost freedom. he concluded his letter with this advice to that prelate, " use for the future no forbearance ;
 " but pour out your whole spirit, unsheath your
 " whole sword : for the eye of the king will never
 " more look upon you. But may the eye of God
 " look with favour upon you, and the sheep of his
 " pasture : *and may he deign to give his church the*
 " *glory of a victory over princes, rather than an insincere peace with princes.*" The soul of Becket entirely sympathised with these words. They encouraged him so much that he instantly wrote several letters to England, by which he put that realm under an interdict, within fifteen days after the receipt of them, and in a peremptory manner, without excepting even the case of his peace being made. But it does not appear that these letters were ever delivered.

The pope was somewhat less hasty and acted with more decency ; yet he shewed that he would not bear a much longer delay. Henry had tried to obtain from him some prolongation of the term prescribed in his mandate, and employed the mediation of the chief magistrates of the confederated cities in Lombardy, and of the ambassadors from the Greek emperour, Emanuel Comnenus, who were then at Beneventum : but their good offices in his favour had no effect. And when Alexander heard that he was gone into England, he wrote immediately to his legates, the archbishop of Rouen and the bishop of Nevers, " to follow him thither without delay, and strongly admonished him to fulfill
 " what he had promised in relation to Becket ;
 " which if he would not effectually do within the
 " term

V. Epist. 11.
 at supra.

V. Epist. 50.
 35, 36, 37,
 38, 39. l. v.

V. Epist. 46.
 l. v.

V. Epist. 4.
 l. v.

“ term of forty days after that admonition, or by A. D. 1170.
 “ any artifice eluded the seeing of them, they were
 “ ordered to put all his dominions on the continent
 “ under an interdict. And they were further to
 “ tell him, that, if he did not repent *his Holiness*
 “ *was determined to spare him no more than he had*
 “ *spared the emperor Frederick* (whom he speaks
 “ of in his letter as being *deposed*) and would cer-
 “ tainly publish against him the sentence of excommu-
 “ nication.”

Before Henry was informed of these orders hav-
 ing been sent he had written to assure the arch- V. Epist. 14.
 bishop of Rouen, “ that he would fully and wil- l. v.
 “ lingly ratify that form of peace, which, by his
 “ advice and by that of the other lords of his coun-
 “ cil, he had himself proposed to Alexander, and
 “ of which his Holiness had declared his grateful
 “ acceptance.” This letter is dated at West-
 minster, and seems to have been sent not long af-
 ter the time of his arrival in England. The lan-
 guage held in Normandy by Richard de Ivelcestre
 agreed very ill with this declaration: but that
 minister rather spoke his own private opinion than
 the sentiments of his master, judging perhaps of
 those sentiments from the affront done to Becket
 in the affair of the coronation, and other acts that
 bore a face of hostility and defiance, but were only
 designed to humble the arrogance of that prelate,
 and fright him into a temper more condescending,
 and submissive, with regard to the king. Yet, as
 Henry delayed the execution of his promise, the
 legates would have immediately obeyed their in-
 structions, if they had not been prevented by a
 letter from him, in which he declared, that he
 should soon return into Normandy, and would V. Epist. 46.
 have them wait for him there, without exposing l. v.
 themselves to the inconvenience and danger of pas-
 sing the sea. To this they agreed; which much
 offended Becket, who vehemently desired that no
 further

A. D. 1170. further complaisance should be shewn to the king in this negociation.

He appears not to have known that all the articles of the agreement which Alexander prescribed had been previously settled by the archbishop of Rouen and Henry himself, before they were sent from Beneventum. For in a letter which he wrote

V. Epist. 12. to one of the legates, upon their design of going
L. v. over to England, he desired them to conceal their instructions from Henry, *that he might not know how much they had power to yield*, and pretend to break off the treaty, if that prince would not pay the thousand marks he had promised by Vivian. He also pressed them to insist, that some of Henry's chief nobles, or one of them at least, and all the bishops of England, should make themselves pledges, or guarantees upon oath, for the execution of the treaty. But if the king could not be persuaded to give these securities, he insisted on their demanding, that the form of the peace should be set down in letters patent under the great seal; and that one transcript thereof should be delivered to him, another to the pope, and a third to the legates. He further desired them to require, that the possessions of the church, which had been taken away, should be put into their hands, to be by them delivered to his officers. Without the performance of these two last articles, he told them, they were not to consider the peace as certain; and therefore ought not to absolve the excommunicated. Other conditions were added by him, which shew how exceedingly cautious and punctilious he was, in his manner treating, and how little satisfied with the plan of agreement sent to Henry by the pope. In the conclusion he thus directs them how to negotiate with the king. "As
" it is not easy to discover the manifold artifices
" of *that monster*; whatever he says, whatever
" shape he puts on, suspect it all as full of deceit,
unless

“ unless it be manifestly proved by his deeds: for A. D. 1170.
“ if he should perceive that he can either corrupt
“ you with promises, or fright you with threats,
“ or obtain any thing against your honour and the
“ safety of the case, all your authority with him
“ will instantly vanish, and you will become the
“ contempt and the jest of him and his court.
“ But if he sees that he cannot bend you from your
“ purpose, he will at first counterfeit fury, he will
“ swear, fore swear, take as many shapes as Proteus
“ did, and at last come to himself again; and, if
“ it is not your own fault, you will be from that
“ time *a God to Pharaoh.*” With such an insolent
disrespect did this prelate talk of his sovereign! But all these admonitions proved ineffectual. The legates, well knowing that the king had seen their instructions, adhered to them strictly; and Becker had nothing left to ground a cavil upon, except the punctilio of the kiss, which Henry refused. He said, “ it was a form established, among all V. Epist. 12.
“ nations, and in all religions, without which l. v.
“ peace was no where confirmed. That if, in-
“ stead of receiving it from the king, he received
“ it from his son, so it might be said in the world
“ that he was only restored to the prince’s favour,
“ not the king’s; which if the vulgar should
“ hear it would give them an occasion to reflect on
“ the peace.” These arguments were so trifling, that he himself must have felt the weakness of them. For, if Henry intended to act insincerely in this reconciliation, how could he think, that his having been compelled, in so offensive a manner, to give the kiss of peace, would alter those intentions? how would it avail more to *him* than it had done to the nobles of Poitou, mentioned in the same letter, with whom he says that the king had broken V. Epist. 12.
his engagements, though taken under that pledge? l. v.
In truth, he did not insist upon this ceremony for the sake of security. It was a humiliation to which he

A. D. 1170. he malignantly desired to bring the king, who could not recede from a vow he had publickly made, without a publick dishonour. The triumph of constraining him to buy his peace, by such a stain on his character, flattered the pride of Becket, and soothed his resentments. But it irreconcilably offended Henry, who could not forgive the cruel arrogance of such a proceeding. The pope indeed of his own accord, and without his having asked it, had absolved him from his vow; but he remembered what answer his wife and royal grandfather, Henry the First, had, by the advice of his council, returned to Calixtus the Second, who offered to absolve him from an oath he had taken, on a similar occasion. *"The pope says, that, by his apostolick authority, he will absolve me from the vow I have solemnly made, if, against that vow, I will receive archbishop Thurstan in York. But it does not seem agreeable to the honour of a king that I should consent to such absolution. For who will afterwards trust any promise made upon oath, if, by the example of what has been done in my case, it shall have been shewn that the obligation of an oath may be so easily cancelled?"* There was great dignity and truth in these words. Henry the Second must have felt, no less than his grandfather, that the pope's absolution in this case could not heal his honour; and therefore he shewed such reluctance to yield the point to Becket. Nevertheless, as that prelate continued obstinately to refuse the expedient proposed, he was compelled to submit to this grievous indignity, or stand all the consequences of not making the peace by the limited time. If he had possessed no dominions out of this island, he would not have had much to apprehend from those consequences; for the English nation was certainly in no dispositions to join with Becket against the crown, much less to revolt from their allegiance to the king: and even supposing they might have scrupled

V. Epist. 1.
l. v.
Eadmer
Hist.
Nov. l. v.
p. 126.

scrupled to pay him obedience, they would without difficulty have obeyed the young king, his son, in whose name the whole government might have been easily carried on, till that storm was past. But the danger was on the side of his foreign dominions. Many of these, he was sensible, were disposed to rebel; being full of nobles whom he had punished for their former revolts, or who were conscious to themselves that they merited punishment. The king of France might be brought, by the instigations of Becket, to take on himself the execution of the anathema pronounced by the pope, or, in the language of that age, *to join his sword to that of St. Peter*. His bigotry and his policy would equally incline him to act this part. Nor could Henry much doubt that the renewal of the war between Louis and him, upon a pretence of religion, would produce a new insurrection in Poitou and Bretagne, and possibly shake the fidelity of all his other French subjects. By two letters of Becket, written not long before, it appears that the confidence of that prelate was founded on the hopes of such a defection, in case that an interdict should be laid on the territories of Henry in France. *If the pope (says he to his friend the archbishop of Sens) would but do that, there is nothing he could require, which, without difficulty or delay, he might not obtain. For the nobles favour the church.* In the other letter he says, that, *whatever the king might pretend or threaten, he would not dare to deny any thing, that the pope should ask of him, if his Holiness would resolve to stretch out his hand against his dominions on that side of the water.* Nay, the menace of it would be sufficient to obtain all demands, without putting the sentence in execution. And, in a former letter of confidence to some of his friends in the court of Rome, he wrote thus: *Know, that the archbishop of Rouen and some others have told the king to his face, that none of them would hold communion with him, against the man-*
date

A. D. 1170.

V Epist. 61.
65. l. iii.v. Epist.
139. l. i.

A. D. 1170. *date of the pope, but on the contrary, if any sentence was past against him or his territories, they would strictly observe it.* The truth of this may, perhaps, be doubted; but it is certain that Henry had reason to expect a great disturbance in his foreign dominions; and his apprehension of it obliged him to act with less dignity, than, as king of England, he might, or would have acted. On the other hand, he had hopes of great advantages from the accidents time might produce. The death of Alexander was a contingency, which, from the age of that pontiff, he might reasonably presume would not be distant; and he thought himself sure, that the removal of Becket from Canterbury, if not a confirmation of all the dignities and customs of his realm, would be easily granted to purchase his acknowledgment of any other pope. He therefore had tried, by every art of delay, to avoid the necessity of a speedy agreement; and, as he now saw, that he could use those evasions no longer, but must immediately make peace with Becket or war with the pope, he chose the first, as the least evil. Such a conduct indeed was very conformable to the whole course of his policy, which always inclined him to temporize, and wait for the proper seasons to act with advantage. But one may venture to affirm, that, if the archbishop had been in his situation, and he in the archbishop's, this affair would have concluded in a different manner. The intrepid spirit of Becket would have braved the thunders of the Vatican; he would have hazarded, he would even have lost all his territories in France, rather than have submitted to grant a peace to his rebel subject, without having reduced him to an humble state of duty and obedience. But Henry pursued his own maxims, and since Becket would not be satisfied without receiving from his mouth *the kiss of peace*, he promised to give it: but the legates having proposed, that

V. Epist.
46. l. i.

V. Epist. 46.
l. v.

their

the first meeting should be in the district of Chai^{A. D. 1170.} tres, where he had appointed the conference with the French king, he desired to defer that part of the ceremony till he should return into his own territories. The reason of this procrastination we learn from some words he said to the legates, when^{Fitstephen.} they prest him to satisfy the archbishop in this, as well as other demands. His answer was, “ *In my own territories I will kiss him, nay, his very hands and feet a thousand times : let him only defer it now, that it may appear to be done out of my grace and good will, and not by constraint.*” To which Becket with great difficulty, was brought to consent, and came to the conference, being persuaded, or rather compelled to it, by his great friend and protector, the archbishop of Sens, who was then legate in France. Two days were employed in settling the differences between the two kings, of which an account has been given : but on the third day, which was the feast of St. Mary Magdalene, the archbishop of Canterbury was admitted, in the beforementioned meadow, near Frettevalle, to the presence of Henry, who was attended by the earl of Blois, and many other princes, nobles, and bishops of France, as well as of his own territories, and by a great croud of spectators. But Louis was absent ; that it might not be supposed he influenced Henry in this transaction : the latter being apprehensive, and not without reason, that his honour and the dignity of his crown might be hurt if such an opinion should prevail. I shall^{V. Epist. 46.} give the particulars of what was done there from^{ut supra.} an account sent to the pope by Becket himself.

“ Upon the sight of your last letters (says that prelate to Alexander) in which you threatened his realm with an interdict, and his person with excommunication, the king of England immediately made peace with me, to the honour of God, and, as I hope, to the very great advantage

A. D. 1170. “ vantage of the church. *For as he has not so much*
 “ *as presumed to mention the royal customs, which he*
 “ *was used to assert so pertinaciously.* He exacted no
 “ oath from me, nor from any of my friends.
 “ The possessions, which, on account of this dis-
 “ sension between us, he had taken away from
 “ the church of Canterbury, he granted to me,
 “ as they were set down in the writing drawn
 “ by myself : peace and a safe return he promised
 “ to all, and *the kiss* to me, if I would abso-
 “ lutely insist upon his being compelled to it :
 “ *so that not only he appeared, in every point, to be*
 “ *conquered but was even said to be perjured, by those*
 “ *who had heard him swear, that he would not give*
 “ *me that kiss, upon our reconciliation .”*

After this arrogant, malignant, unchristian triumph over his sovereign, which plainly shews what he meant in contending so obstinately for the trifling article of *the kiss*, the archbishop thus proceeds to relate to his holiness the particulars of their meeting. “ I found the king so much
 “ changed, that, to the wonder of all present, his
 “ mind seemed not averse to peaceful counsels. For
 “ when he saw me at a distance coming towards
 “ him, hastily springing out of the croud that sur-
 “ rounded him, he came to meet me, and uncover-
 “ ing his head prevented me, by eagerly breaking
 “ out into words of salutation before me : then after
 “ a short conversation, at which only I and the
 “ archbishop of Sens were present, he drew me
 “ aside to the astonishment of all the assembly,
 “ and discoursed with me a long time, in so fa-
 “ miliar a manner, that one would have thought
 “ there had never been any discord between us.”

But, notwithstanding this affected graciousness, with which Henry received him, he tells the pope, “ he did not spare to reprove that mon-
 “ arch for his conduct, to shew him his danger,
 “ and to beg and admonish him, that, by making
 “ the church a publick satisfaction for the great
 “ injurie

“ injuries he had done her, he would clear his A. D. 1170
 “ conscience, and redeem his reputation, in both
 “ which he had greatly suffered, though more
 “ from bad counsellors than his own inclinations.”
 And finding that the king heard these offensive admonitions, not only with patience, but with benignity, and *promised amendment*, he added a long discourse upon the particular wrong done to the see of Canterbury, in the coronation of the young king by the archbishop of York; which, as it only contains, what has already been mentioned, I shall not repeat, but refer those, who may incline to see it in Becket’s own words to the letter itself, which they will find in the Appendix belonging to this book. He enforces his arguments with exhortations, “ why Henry would thus
 “ despoil his mother, the church of Canterbury,
 “ without cognizance of the cause, of her ancient
 “ right, which she was known to have possessed un-
 “ shaken for above four-score years?” asking him,
 “ whether he had a mind to perpetuate enmity
 “ between the church and his children? why if
 “ he was in haste to have his son consecrated, he did
 “ not, at least, take care to exclude from the so-
 “ lemnity those, whom he knew to have been,
 “ by name, excommunicated, both by him, and
 “ the pope? In answer to these, and other ques-
 tions of the same nature, Henry pleaded the man-
 date he had obtained of the pope, upon the death
 of the late archbishop of Canterbury, and pro-
 duced it to him there, as if it had been the sole
 authority upon which he had acted, making no
 mention of that, which had so lately been sent to
 the archbishop of York. Becket put him in
 mind “ that the former had been obtained by
 him, only for the sake of preventing the arch-
 bishop of York from crowning his son; and that
 he often had publicly declared, in those days,
that he had rather his son should lose his head, than
R r 2
that

A. 1170. *that this prelate should lay his heretical hands upon him.*" Why the archbishop of York was branded with heresy does not appear in this letter, nor y where else: but Henry might have received some prejudices against him from ill offices done him by Becket, who then possessed the favour of that monarch; which prejudices, I imagine, were now removed.

Becket added, "that, even supposing the privilege the king had obtained did reach these times yet still it was undeniable that it might be annulled by a subsequent mandate:" wherefore *his* being of a date posterior to that alledged by Henry, and contrary to it, no regard should have been paid to the authority of the former.

The mandate here mentioned by this prelate to the king, could not be the last which he had sent into England; (for *that* had not been delivered) but must have been the more general one, obtained by him from Alexander some time before. This he supposed was sufficient to abrogate Henry's, not knowing that one of a later date had been sent to the archbishop of York, which as the king did not mention, we may conclude from his silence, that he was restrained from speaking of it to Becket, by the particular desire and injunction of the pope.

In their discourse on this subject, Becket ventured to throw out a plain intimation, that the coronation was invalid; affirming, "that the king's V. Epist. 45. consecration, like other sacraments, drew all it's validity, from the right of the person administering to do that office. Nor think continued l. v. he, I say this, because I desire that your son should be degraded, or any way lessened, (for I ardently wish him success, and encrease of glory; and will labour to advance it by all godly means) but to the end that you may remove from yourself and from him the wrath of

“ of God, *and of those saints who rest in the* A. D. 1170
 “ *church of Canterbury, and have been grievously*
 “ *injured by this proceeding; which I do not be-*
 “ *lieve can be done by any other means, than*
 “ *making a full satisfaction: since it is a thing*
 “ *unheard of for many ages, that any one has in-*
 “ *jured the church of Canterbury, without being cor-*
 “ *rected, or crushed, by our Lord Jesus Christ.*”

The king answered, with an air of great satisfaction, “ if you love my son, you do what you
 “ are bound to by a double tie : first because I
 “ gave him to you as a son, and, you may re-
 “ member, you received him from my own hand :
 “ next, because he loves you with so much fond-
 “ ness, that he cannot bear even to look upon
 “ any of your enemies. For he would have re-
 “ strained them already from doing you any harm,
 “ if he had not been checked by the reverence
 “ and fear of my name. But I know that he
 “ will revenge you of them, even more than he
 “ ought, as soon as time and opportunity shall
 “ give him power so to do. Nor have I any
 “ doubt that the church of Canterbury is the
 “ most noble of all the western churches ; nor
 “ do I desire to deprive it of it's right ; but will
 “ rather take care, according to your advice, that
 “ it shall have redress in this article, and recover
 “ it's pristine dignity in every point. *But to those*
 “ *who have hitherto betrayed both you and me I*
 “ *will by the blessing of God, make such an an-*
 “ *swer, as the deserts of traitors require.*” At
 which words, Becket immediately descended from
 his horse (for both Henry and he were on horse-
 “ back) and threw himself at the king's feet ; who
 ordered him to remount, *holding himself the stir-*
rup for him, and said with tears in his eyes,
 “ my lord archbishop, what occasion is there for
 “ many words ? let us now mutually restore to
 “ each other our former affection, and do one

A. D. 1170. "another all the good we can, entirely forgetting the late discord between us. But I desire that you would honour me in the presence of those who are looking upon us at a distance." He then returned to the assembly, where casting his eyes upon some enemies of Becket, he said aloud, "if, when I find the archbishop full of all good dispositions to me, I were not reciprocally good to him, I should be the worst of men, and prove the evil that is spoken of me to be true. Nor can I think any counsel more honourable or useful to me, than that I should endeavour to go before him in kindness, and excel him in charity, as well as in benefits." Which speech was received by almost all who were present, with the highest gratulation. And had the king gone no further, than to declare a forgiveness and oblivion of all past offences, or even, to sooth the pride of Becket, by words and actions of grace and condescension, without any gross flattery, or indecent humiliations, he would have acted a prudent, and perhaps, in that situation a laudable part. For, as he thought it necessary to be reconciled to him, it was better to endeavour to gain him by kindness, and quiet that spirit he could not bend, than to exasperate him more by publick marks of aversion. But in some parts of his discourse and behaviour he exceeded all the bounds of good sense or true policy; especially in calling those who had faithfully served him against the rebellious archbishop, by the odious names of *traitors*, and promising to treat them as *such*; if this part of Becket's narrative deserves any credit. The thing is very improbable; and as he says this conversation was *apart from the company*, it rests only upon the evidence of his own word. I incline to suppose that something may have really been said by Henry, which approached to the purport of what he

he thus relates; because no reason appears why ^{A. D. 1170.} he should desire to impose upon the pope, as to the *substance* of what passed on this occasion; but in repeating the *words* he might tincture the expression with his own passions, and give a force and acrimony to it, beyond the truth. Yet, even upon this supposition, the king was much to blame. He ought not to have uttered a syllable which could give the archbishop even the slightest pretence to such a report. It dishonoured his character: it was false; it was mean; it answered no good purpose. But men of strong passions and high mids, who are forced to dissemble, are very apt to overact the part they assume; and it seems Henry did so, most extravagantly, in this conversation.

Soon after he and Becket were returned to the assembly, he sent his bishops, to acquaint him, that he would have him make his petition before ^{V. Epist. 45. ut supra.} them all. Some of them advised him *to throw himself and the cause of the church wholly upon the king's pleasure.* But this he rejected *as the iniquitous counsel of Scribes and Pharisees*; and having withdrawn for some time, in order to consult thereupon the archbishop of Sens and the companions of his exile, he was confirmed in his intention, *by no means to submit to the king's judgement the question about the royal customs, or what had been wrongfully taken from the see of Canterbury or the complaint of the usurpation upon the rights of that see in the young king's coronation, or the damage the church had suffered in her liberty, and he in his honour.*

Pursuant to this resolution he went back to the assembly, and not by himself, as he ought, in decency, to have done, but by the mouth of the archbishop of Sens, petitioned the king to restore to him his royal favour, peace and security to him ^{V. Epist. 45. ut supra.} and his, with the church of Canterbury, and the

A.D. 1170. possessions belonging to it, as set down in the writing the king had seen. He further requested, that the king would be mercifully pleased to amend what had been presumptuously done against him and his church in the young king's coronation, promising him love, and honour, *and whatever service could be performed in the Lord, by an archbishop, to his sovereign.*

This petition was very different from that form of words, which had been settled between the king and the pope, and in which Becket had no authority to make any change. But, being encouraged by the great kindness with which the king had received him, he ventured to obtrude on that prince another form, varying but little in the expressions, from that which he had himself proposed the year before at Montmartre, and which Henry had then rejected. This would have authorized the king to break with him, had he been in a situation to take such a step: but after the extraordinary marks of favour, so publickly given to Becket, he rightly judged, that he had gone too far to go back, and therefore, without objecting to the words of it, granted the petition. He likewise received into grace all the archbishop's friends and companions in exile, who had been brought thither for that purpose.

It was natural to think that these excessive condescensions would have had some effect; but they were not sufficient to satisfy the archbishop, or soften his mind. In writing to Alexander, on this subject he told him, "that, because his Holiness had not enjoined a *full restitution*, of what had been taken away from him or his friends, *that demand was indeed delayed, but not given up: for he was resolved to insist on it:* and if his Holiness had enjoined it with the same vigour as the rest, the king would, unquestionably, have made satisfaction, and have given an example

to

V. Epist. 46.
l. v.

V. Epist. 45.
l. v.

“ to posterity of perpetual advantage to the whole church of God, and chiefly to the apostolical see. ” By *full restitution* he meant a *compensation for losses*, as well as the restoring of benefices and lands: for the latter had been enjoined in the form prescribed by the pope, and strongly insisted upon in the instructions sent to the legates; nor did Henry cavil about it. On the contrary it appears, that, without having received any further injunctions on that point, he sent over letters patent to the young King his son, notifying to him the peace he had made with the archbishop of Canterbury, and commanding *that this prelate and all they who had been banished on his account should have their possessions restored to them, as they had enjoyed them three months before he went out of England*. But Becket wanted to obtain a full reparation for all the profits consumed, and damages done, during the time of their banishment; though, as the Pope had prohibited the clogging of the treaty with this condition, he durst not insert it in his petition to the king. Indeed such a demand was very inconsistent with the desire shewn by that pontiff of restoring union and quiet to the church and kingdom, by at least a temporary oblivion of offences on both sides; nor was there any probability that it would have been granted, without a violent contest, which the policy of Rome in that conjuncture was unwilling to risk.

After the ceremonial of their meeting was over, Henry kept the Archbishop in familiar discourse till late in the evening, and at parting they agreed, that, when the king left that place, he also should go from thence, to take leave of Louis; and then return into Normandy, to make some abode in the court and near the king's person; *that it might be apparent to all, into what familiarity and favour that prince had received him*. When he

was

A. D. 1170. was going away, the bishop of Lisieux, in the presence of the whole court and of Henry himself, earnestly exhorted him, *that, as the king had now received his friends into favour, he should in like manner receive all the servants of the king, who were present there.* But he found a distinction to elude this proposal, saying, “that those the bishop interceded for were in various circumstances, more or less guilty, some excommunicated, others not, some for one cause, some for another, several by him and their own pastors, others by the pope himself, who, without an authority given by his Holiness, could not be absolved. Therefore he could not indiscriminately confound them together; *but having sentiments of peace and charity for them all, as much as in him lay, he would, by the divine assistance, so manage the matter, to the honour of the church of God, the king’s, and his own, as also to the salvation of those for whom this reconciliation was asked; that if any one of them (which he prayed might not happen) should fail of reconciliation and peace, he must impute it to himself, not to him.* He threw in likewise, *that he desired to bear the king’s advice to him upon this point before he proceeded.*” To which evasive answer (which is indeed a masterpiece in its kind) the archdeacon of Canterbury, who was one of the excommunicated persons, making an angry and contemptuous reply, the king, for fear of a quarrel, *drew off the archbishop, and with great civility sent him home.*

This is the substance of what Becket wrote to the pope on the peace he had made with the king, which (to use an expression of his in another letter on the same subject) *he hoped would turn out to the advantage of the church, and the enlarging of the authority of the apostolical see in England.* But Henry did not intend that his triumph

triumph over the government should be so great A. D. 1170. as he thought. Though the royal customs were not *confirmed* by this treaty, they were not *given up*. The king had been very cautious to admit of no words which the pope himself could interpret into a promise, or engagement, that he would annul them; nor can I discover the least evidence, that he was not as much determined to maintain them as before his agreement with Becket. That agreement was therefore no decision of the dispute concerning those customs: but Becket hoped that the terror of excommunication, which had forced the king to allow him to return to his see, without any assurance that he would obey the constitutions of Clarendon, would also protect him from any consequences of that monarch's displeasure on account of his disobedience; especially being now the Pope's legate in England, which he thought would secure his person in all events. Nor did he mean to leave the controversy he had begun with the crown on the foot it stood at this time. In a letter he wrote to the bishop of Ostia on this occasion V. Epist. 49. l. v. he tells that prelate, who had served him in all his affairs at Rome, "that the peace which, through his means, he had obtained from *the father of mercies*, was such as the world could not have given, or hoped for; *but yet the whole substance of it consisted only in hope*. Nevertheless he trusted in God that something *real* would follow, and *that he who made it would compleat his work*."

It is worthy of notice, that, among other friends in Alexander's court, Becket wrote to William of V. Epist. 50. l. v. Pavia, who, a little before he left France, had, V. Epist. 47. l. iii. 26. l. iv. by the mediation of Louis, whose favour he had recovered, been reconciled also to that prelate, and in making this peace had done him some services, with which it seems he was well pleased. For he was now as immoderate in his acknowledgements

A. D. 1170. ledgments as he had formerly been in his complaints. He told the cardinal, "it was just, that
 V Epist. 50. "the Church of Canterbury, which his care and
 ut supra. "diligent toil, with that of a few other friends,
 "had brought at length into port, should make
 "him and them, on account of that obligation,
 "the most grateful returns of service and devo-
 "tion. *For her (says he) you past the seas, pene-
 "trated and surmounted the Alps, fought with beasts
 "in this country; and in the court of Rome itself,
 "where we were most strongly and sharply attacked,
 "you have often and long endured the burthen and heat
 "of the day; and at last (because your labour was
 "in the Lord) you have wisely and usefully tri-
 "umphed.*"

One should hardly imagine that this letter could be written to the same man, at whose behaviour in his legation Becket had often expressed the utmost disgust! Nor yet had he really altered his opinion about that behaviour. For, in a letter he wrote not long before, and where he spoke the undissembled sense of his heart, we find him affirm-
 V Epist. 21. "ing, "that, *of all whom the see of Rome had sent
 l. v. "to the king of England for the cause of the church,
 "Gratian alone had done her no injury.*"

Benedictus
 Abbas Ho-
 veden, sub
 ann. 170.

Henry was now returned into Normandy, where he was seized with an illness so violent, that thinking himself in danger he made his will, by which he left to prince Henry, his eldest son, the dutchy of Normandy and the earldom of Touraine, besides Anjou and Maine, which had been ceded to him by the late treaty of Montmirail, that he might have his paternal inheritance entire and compleat. The kingdom of England had, in effect, been settled upon him before, by his being crowned king; but the designation was also confirmed by this testament; and so was the cession made of the dutchy of Aquitaine and all it's appurtenances, by the abovementioned treaty, to Richard,
 his

his brother. It cannot be properly said that Henry A. D. 1175. gave or bequeathed, Bretagne to Prince Geoffry : for to him, it belonged, by his marriage with the heirs of it, and not to his father, who had no pretensions to any part of it, except the earldom of Nantez, which, when he contracted his son to Conan's daughter, he immediately reannexed to the ducal demesne. Nevertheless, from the words of some contemporary historians, it seems that by his will he recognised and confirmed the settlement made by that contract. To John his fourth son, Benedictus Abbas, p. 6. sub. ann. 1170. who was at this time a young child, he did not give any territory or portion, in money, but recommended his fortune to the affection and care of his eldest brother. When he had thus settled his affairs, he desired to be buried in the monastery of Grammont, for which he had a particular and superstitious veneration, *at the feet of one of their abbots*, who was there interred. His bishops and nobles very properly objected against it, as debasing the royal dignity ; but he insisted upon it, and produced to them a written promise, which he had obtained of the monks for the performance of his will in this respect. I mention this circumstance, because it is what one should hardly have supposed in the spirited antagonist of Becket and Rome. But it was very difficult, in those times, to separate a sincere belief of religion from the superstitions mixed with it ; and some other weaknesses of a like nature shew, that Henry's understanding, however acute in other points, could not always distinguish the genuine truths of the Christian faith from that impure mixture. His illness did not prove mortal ; and the same false religious notions made him ascribe his recovery to the protection of *St. Mary of Roque-Madour in the Quercy*, whom he had invoked in his danger, and addressed to her a vow, that, if his health was restored, he would go in pilgrimage to her shrine ;
which,

A. D. 1170 which, as soon as he found himself able to bear the journey, he piously performed. Yet this devotion did not incline him to more complaisance in his dispute with the church and the archbishop of Canterbury. Though he desired, after his decease, to lye at the feet of a dead monk, he would not submit, in his life-time, to the insolence of an arrogant prelate.

The execution of the peace he had granted to Becket had now been delayed above two months. His illness was the pretence, but the true reason was his anger at Becket's behaviour, and the instigations of those who thought their credit and interest sacrificed in the peace, as well as the honour and dignity of the crown. Hence he naturally sought for any excuses, to avoid performing a treaty, which he had made with reluctance, and reflected upon with shame. When Becket's messengers came into England with the letters written in his favour from the king to his son, they were avoided by most men, as persons with whom it was dangerous to hold conversation. Nay, his best friends in that kingdom were so strongly persuaded of Henry's irreconcilable enmity to him, that they could hardly be convinced of his peace being made, even by the sight of the letters patent. Many of them sent their advice to him, not to come thither, upon any account, till he had found means to ingratiate himself more with the king, and had obtained from him a sincere reconciliation. Whereupon he wrote to that monarch a submissive and decent letter, complaining of some delays, which he supposed were affected, in making the restitution agreed to be made, and, more particularly, of the insolence of Ranulph de Broc, who had publickly said, *that Becket should not eat a whole loaf in England before he took away his life.* The archbishop had also notice, from some of his correspondents, that the same man had, since the conclusion

clusion of the peace, committed great waste on A. D. 1170 the lands of the see of Canterbury, which were in his custody, and even at this time, in direct contempt of the orders sent by the king, laid up the produce of them in his own castle. To put a stop to these proceedings, Becket desired of Henry, that he would permit him to go immediately over to England. "By your grace and permission (said that prelate to the King); I will now return to my church, *perhaps to perish for her*, unless your piety deigns to afford us a further and speedy consolation. But, *whether I live or die, yours I am, and will be, in the Lord; and whatever be-* V. Epist. 52
l. v. *comes of me and mine, may God bless you and your children.*" One would think that he really apprehended some danger: for he expressed the same fears in a private letter to the Pope. His words are very remarkable: "I believe I shall go into Eng-
land, *whether to peace or to punishment I am doubtful*; but the divine providence has ordained what shall be my lot. *I therefore commend my soul to you, O holy father*, returning thanks to you and the apostolick see, for all the comforts you have administered to me and mine in our distress."

He had indeed great reason at this time to thank the pope. For letters had been sent to him from V. Epist 63
66, 67. l. v. his Holiness, by which that pontiff suspended the archbishop of York, the bishop of Durham, and all the suffragan bishops under the see of Canterbury, who had been present at the coronation of the young king. He also charged them with having suffered that prince to omit the usual oath of the English kings for the protection of the church, and with having themselves, on that occasion, taken one to maintain the constitutions of Clarendon; for the exacting of which he very angrily complained of the king. And the bishops of London and Salisbury having made (as he expressed it) an ungrateful

A. D. 1170. ungrateful return for the favour he had shewn them, in taking off their excommunication, he put them again under that sentence, and gave Becket power to proceed as he pleased against the bishop of Rochester, *because that prelate, as vicar to the archbishop of Canterbury, ought to have been particularly careful of supporting his rights.* These letters were dated in September of this year, eleven hundred and seventy; and were probably drawn from Alexander, by complaints sent to him from France of the injury done to Becket in the affair of the coronation, particularly from the archbishop of Sens, who, with great freedom of language, reproached his Holiness on that subject. But, as for the charge brought against the English prelates abovementioned, of having allowed the young prince, at his coronation, to omit the usual oath, and having then taken one to support the royal customs, it was absolutely groundless. Probably Becket deceived by some false report had led the pope into this error. and though, when these letters came to him, he was better informed, he had not candour enough to own his mistake; but said, in his answer, "*they were undoubtedly dictated by the Holy Ghost, and corrected the king's enormities with an authority becoming the successor of Peter and the vicar of Christ.*" Nevertheless he thought it adviseable not to make use of them, *for fear of offending the king, and disturbing the peace concluded with that prince.* Wherefore he humbly entreated the pope to send him others, "*in which there should be no mention made of the faults of the king, or of the oath to observe the royal customs, or of the omission of that for securing the church, at the young king's coronation, but the same sentence of suspension inflicted on the archbishop of York, and the other bishops there present, singly on account of the injury done to the rights of the see of Canterbury.*" And, with relation to the bishops of London

V. Epist. 25.
l. v.

V. Epist. 77.
l. v.

V. Epist. 52.
l. v.

don and Salisbury, he made it his request, *that he*^{A. D. 1170.} *might be permitted to have mercy upon them, if they could not be punished, according to the mandate sent by his Holiness, without occasioning a schism in the church.* On which account he desired a discretionary power to excommunicate them or not, as the times and the exigence of his cause should require; and likewise to suspend or spare the other prelates, except the archbishop of York, who being (as he said) *the incendiary and the head of all these wicked persons*, he prayed his Holiness to reserve him to his own judgement. In truth, as that prelate was actually legate for Scotland, he could not be subjected to the legantine power committed to Becket. But the latter most artfully took this opportunity to advance the dignity of his see, by desiring the pope to determine the dispute between Canterbury^{v. Epist. 52.} and York concerning the primacy, which had been^{l. v.} left undecided by the see of Rome, in favour of Canterbury, without appeal; *not* (as he told his Holiness) *for his own glory, but for the peace of the church and prevention of schism.* He likewise asked the same power that his Holiness had conferred on the archbishop of Rouen and the bishop of Nevers, *or even a greater*: (by which he meant a permission to excommunicate Henry, as well as to lay his dominions under an interdict) *because* (says he) *the more potent, and the more fierce that prince is, the stronger chain and the harder stick will be necessary, to bind and keep him in order.*

Before any answer to this letter arrived from the^{Quadrilogus} pope, he went to wait on the king, who received him with a great deal of formal civility, but not with that air of cordiality, and reviving affection, which he had shewn him in their meeting at Montmirail. Nor did he give him *the kiss of peace*, as, according to his late promise, he ought to have done, being now in his own dominions. Nevertheless he was accompanied by him in a journey to

A. D. 1170. the borders of Touraine, where he had appointed to meet the earl of Blois, for the adjusting of some disputes between them; and, as they rode together, the archbishop sharply expostulated with him upon the breach of his word; which he returned by reproaching that prelate with ingratitude. The conversation was stopt by the interview with the earl, and Becket took on himself to act the part of a mediator, in which he succeeded; both parties being inclined to an accommodation. When that business was over, he renewed his complaints of the king's insincerity; and the earl interposing in his favour, Henry repeated his promise of full restitution, but said, "that, before he performed it, he would have him return into England, *that he might see how he would behave himself in the affairs of the kingdom.*" This was a new condition annexed to the promise, and a very disagreeable one to Becket; yet he made no reply, nor did he return back with Henry: but not long afterwards he paid him another visit at Caumont, a town near Blois; where, as he did not importune him with any demands, but seemed to have come only to make his court, he was received with more kindness, and in a familiar discourse Henry said to him eagerly, "*Oh! my lord, why will you not do what I desire? I then should put every thing into your hands.*" This Becket repeated to one of his correspondents, and told him, it brought to his remembrance the words of the Devil to our Saviour, "*All this will I give thee, if thou wilt fall down and worship me.*" He thought it more proper *that the king should fall down and worship him*; to which as that monarch would not yield, it was impossible any lasting peace should be made, unless by the ruin of the one or the other. About the end of October the archbishop returned to Sens, intending to see Henry once more at Rouen, upon a day appointed between them, and then go into England.

In

In the mean while the pope, hearing from A. D. 1170. France that the agreement, concluded in July, was not yet executed on the side of the king, wrote to his legates, the archbishops of Rouen and Sens, to go within twenty days after the receipt of this letter dated the ninth of October, V. Epist. 31. l. v. and admonish him *in effect to accomplish the peace, he had made only in words*: which if, in thirty days from the time of his receiving this admonition, he did not perform, they were ordered to put all his dominions on the continent under an interdict. They were also instructed to *suggest* to him, *that he should soon afterward make restitutions and reparation in full for all damages, and entirely abolish his evil and execrable constitutions*. But it does not appear that these last articles were enjoined under the same penalty, or were more than a bare exhortation. His Holiness also wrote a general mandate to all the bishops in Henry's V. Epist. 32. l. v. dominions on the continent, to observe the sentence which he had commanded the legates to pronounce, and take care of it's execution. But before the term was expired when this admonition was to be made to the king (perhaps upon notice having been given him of it) the treaty was executed in it's principal parts. The delay had been really no less hurtful to Henry than vexatious to Becket: for the former being forced to yield at last, the reluctance he had shewn made the dishonour brought upon him more apparent to the world.

In the mean time the letters, which Becket had asked of the pope, were granted by his Holiness, without the mistakes that had been V. Epist. 68. 69. l. v. made in the former, and in some particulars such as he had desired. For, with regard to the bishops of London and Salisbury, two different mandates were sent, which he was to use at discretion; one, by which they were excommunicated, and another, by which they were only suspended,

A. D. 1170. on account of their having assisted at the young king's coronation *against the pope's prohibition, and in prejudice to the archbishop of Canterbury's claim.* Yet in these letters that claim is so modestly set forth, that the antiquity of it is carried no higher than the coronations of Stephen and Henry the Second, "*which (to use the words of the pope) had given to that church a kind of possession of the dignity now in question.*" Whoever considers the temporal consequences of excommunication in those days, (not to mention the spiritual) will be astonished to see it thus inflicted on bishops, for no worse offence than the having acted against a claim to a privilege, which had no stronger foundation than *a kind of possession.* But it must have appeared still more wonderful to those prelates who knew that Alexander himself had enjoined this act to be done, in contempt of that claim, and had declared expressly, that the right belonged to another. Even supposing they had seen his subsequent order revoking the former, (which in truth they had not) it was an intolerable insolence to oblige them to follow every change of his mind, on pain of being cut off from the body of the church.

In both these letters a power was given to Becket, to take off the sentence either of excommunication or suspension, if he should think fit. A mandate was also sent to him which suspended the archbishop of York; but the power of relaxing that sentence the pope reserved to himself. Becket had asked for another, to suspend all the bishops who had been present at the late coronation: but his Holiness did not think it advisable at this time to grant that request; nor would he give him the authority, which he had desired, to excommunicate Henry, nor decide the dispute upon the primacy of his see against that of York. He seems to have been driven

driven against his will to go so far as he did, A.D. 1170
 by the apprehension of disgusting the king of France. Perhaps too he might believe, that the archbishop himself, in his present situation, would not be inclined to make the most rigorous use of his discretionary power, with respect to the bishops of London and Salisbury; as he had, in his last letter, expressed a just sense of the expediency of healing and moderating measures, V. Epist. 52.
l. v. *that he might not offend the king, and disturb the peace so lately made.* But this prudent consideration gave way in his mind to the violence of resentment. He was informed, that those prelates had endeavoured, in conjunction with the archbishop of York, to persuade the king, that the reconciliation concluded with him was neither useful nor honourable to the kingdom, unless the presentations to benefices which belonged to the see of Canterbury, made by that prince upon vacancies, while he was in exile, might remain good; and *unless he was compelled to obey the royal customs, which he had disputed.* He also imputed to them a design the king had entertained, of filling up the vacant bishopricks, by calling over six clergymen out of each of those diocesses, to attend him V. Epist. 53.
64. 73. l. v. in France, and there, as delegates from their brethren, to elect their bishops in his presence, with the advice of the above-mentioned prelates. This was considered by Becket as *uncanonical*, and contrived by them with an intention to occasion a new quarrel between Henry and him, if he should refuse to consecrate the bishops so chosen. These provocations so incensed him, that he paid no regard either to what he himself had written to the pope, or to the wise counsels given to him by two of his friends in the college of cardinals, who, in their letters of congratulation upon the peace he had gained, advised him with urgent admonitions, V. Epist. 6
62. l. v. *to exercise mercy, rather than judgement,* V. Epist. 6
60. 62. l. v. *towards*

A. D. 1170. *towards those who had sinned against him; and to endeavour to instruct the king in the spirit of lenity, and recover his favour.* Notwithstanding these exhortations, he determined to suspend the archbishop of York, and excommunicate the two bishops of London and Salisbury. When he took this resolution, he should, in common prudence, have also resolved to defer his return into England, and not have joined his acceptance of the peace given by the king to him and his friends with these discordant acts of hostility: but, whether he sincerely thought it his duty to go back to his church, or felt a pride in braving his sovereign within his own kingdom, he continued his purpose of quitting his asylum in France; though at the same time he determined to act in a manner that would bring him again into danger. If we may believe one of the monks who has written his life, he said to the king of France, when he took his leave of that monarch, *that he was going into England to play for his head.*

V. Stephen.
P. 69,

V. Epist. 44.
l. v.

The appointment Henry had made to see him at Rouen was put off by a letter under the hand of that prince, in which he said, “ he was “ prevented from meeting him there, by the necessity of going into Auvergne, to resist an attempt, which, as he was credibly informed, “ Louis intended to make upon that province. “ But he had sent John of Oxford to attend him “ to England, by whom he signified to the king “ his son, *that he would have him enjoy all his “ possessions peaceably and honourably: and if, in “ any particulars relating to him less than ought to “ have been done had been performed, that prince “ should cause it to be amended.*” The promise was fair, but attended with circumstances very mortifying to Becket. No money was given him to pay his debts, as he had been made to expect; and, instead of the archbishop of Rouen, who

V. Fitzsteph.
in vit. Bec.

who he hoped would have been charged to conduct him to England, that office was assigned to John of Oxford, whom of all Henry's servants he most detested. But, as the king's orders were pressing, that he should go to his church, and he had resolved to do so for other reasons, he was forced to submit to this affront; and set out under the conduct of his worst enemy, who had presided in that very parliament which had tried and condemned him for perjury and treason, who had procured the first suspension of his legantine power, who had been excommunicated by him, and absolved without his consent; who now seemed to accompany him, rather as a guard over a prisoner, than as an attendant appointed to do him service. Being arrived at the port of Whitland in Flanders, he stayed there some days for a favourable wind, and during that time was warned by a private messenger from the Earl of Boulogne *to take care of himself: for there were persons waiting for him in those parts of England, where it was thought he would land, with an intention to murder, or at least to arrest him.* The answer he sent back was, *that he would return to his flock, if he were certain to be torn limb from limb.* He only desired of his friends, *that they would carry him dead to his church, if he was not permitted to go to it alive.* Other intelligence was also conveyed to him, that his enemy Ranulf de Broc, Reginald de Warenne, and Gervase de Cornhill, sheriff of Kent, had publickly threatned, that, if he came into England, *they would cut off his head.* But, upon further enquiry, he was satisfied that they meant him no other harm, than the searching of his baggage, and taking from him the letters, which they very rightly suspected he had obtained from the pope. To this they were instigated by the archbishop of York and the bishops of London and Salisbury, as Becket

A. D. 1170

V. Quadrilogus.

V. Epist. 73.
l. v.V. Epist.
præd.

A. D. 1170. asserts, in a letter to Alexander. It does not appear that they had any particular warrant to make this search : but there having been for some time a general order strictly to examine all churchmen who landed in England, they thought they might be justified in treating him with no more respect than others, not considering his high dignity, and the kings reconciliation with him and the pope.

As he was aware of their purpose, he found means, the day before he embarked, to send the letters he had with him into England by other hands. That for suspending the archbishop of York he gave to a nun, whom he encouraged to undertake the dangerous enterprize of delivering it to that prelate, by setting before her the examples of Judith, Ester, and those women, who when his apostles forsook him, followed our Lord to his cross and to his sepulchre. The letter he wrote to her on this subject is preserved, and I have transcribed it in the Appendix to this book, that it may be seen by what arts he worked upon the simplicity of a credulous woman, to make her expose herself to the penalties of the law, in order to gratify his revenge in a matter which evidently had nothing to do with religion. These are the words with which he concludes his pastoral exhortations: “ A great reward, my daughter, is
 “ proposed to your labour, *the remission of your*
 “ *sins*, the unfading fruit, and crown of glory,
 “ which the *blessed sinners* Mary Magdalene, and
 “ Mary the Ægyptian, at last received from our
 “ Lord Jesus Christ; the stains of all their former lives being wiped out. *The mistress of*
 “ *mercy* will assist you, and ask her son, God
 “ and Man, whom she brought forth for the
 “ salvation of the world, to be the leader, companion, and protector of your journey. And
 “ may he, who breaking the gates of Hell, crush-
 “ ed

V. Epist. 70.

I. v.

V. Append.

“ ed the power of the Devils, and restrained A. D. 1170
 “ their licentiousness, hold the hands of the wick-
 “ ed, that they may not be able to do you any
 “ hurt. Farewell, *spouse of Christ*, and think
 “ that he is always present with you.” This
 powerful rhetorick had the desired effect. The
 nun, who (as we may judge by the turn of this
 letter) had not always been chaste, resolved to
 gain *remission of her sins*, at any risque, and de-
 livered the letter as she was directed to do.
 What other instruments were employed we are
 not told; but the bishops of London and Salis-
 bury received the pope’s mandate, which ex-
 communicated them, about the same time as this
 was given to the archbishop of York.

After Becket had thus disposed of these dan-
 gerous papers, he ventured to face the king’s
 officers, and on the first of December passed the
 channel. As soon as the ship arrived in Sandwich
 harbour, the sheriff of Kent, with Reginald de
 Warenne and Ranulf de Broc, came armed, and
 accompanied by a band of soldiers, to the shoar :
 but John of Oxford immediately advancing to
 meet them, and with much anger commanding
 them, in the name of the king, to do no manner
 of injury to the archbishop or any of his followers, V. Epist. 73.
because it would highly dishonour the king, after the l. v.
peace he had made, they did not so much as attempt
 to make any search. But there being a foreigner,
 the archdeacon of Sens, in Becket’s train, they de-
 manded of him an oath of allegiance to King Henry
 and his son, (I suppose during the time he should
 stay in the country) but Becket forbade him to take
 it, not because it was required without warrant of
 law, but because (as he told the pope) *there was not*
in the oath any exception exprest in favour of the pa-
pal authority or any other ; and he was afraid, if
 one of his household should consent to such an en-
 gagement, that by the authority of the precedent
 the

A. D. 1170. the clergy of the kingdom might be also compelled to it, *which would greatly tend to the prejudice and diminution of the apostolick see.* In short, he wanted the reservation of *salvo ordine suo*, or *salva libertate ecclesiæ*, to be in every oath that was taken by clergymen. He says himself, in his letter to Alexander, that the king's officers were obliged to yield the point, because they were too few to force him, having the people on his side, who were rejoiced at his return. Being thus dismissed, he went to Canterbury, and on the road thither was met by all the poor of the country, who in great multitudes attended him into that city, spreading their cloathes in his way, and singing, *Blessed is he, who cometh in the name of the Lord.* His vanity was much pleased, and it seems that his piety was not at all offended, with this application of Scripture, which so blasphemously equalled him to the Messiah. The parish priests also came in solemn procession to meet him, with their crosses in their hands; and the pageantry was closed by the monks of Canterbury, who received him into their convent, with ringing of bells, with the musick of organs, and with hymns of praise to God. That he might not fail of this triumph, his secretary John of Salisbury had written from France, a month before, to give them notice of the time of his intended return, and exhort them *to meet him with all due honours, as their predecessors had met Saint Anselm, when he came back from banishment.* He was so elated with these extravagant and impious adulations, that he could not help boasting of them in his letter to the pope. *I was received,* says he, *with great devotion by the clergy and people.* But in so expressing himself he made a mistake which often proves of pernicious consequence, he mistook *the mob* for *the people.* Hence he fondly presumed upon a strength he had not, and nourished

V. Vita
Becket præ-
fix. Epist.
Benedictus
Abbas.
Hoveden.

V. Epist. 63.
L. v.

ed that insolence which brought on his destruction. A. D. 1170.

While these impressions of vain glory were warm V. Epist. 64.
in his mind, there came to him messengers from l. v.
the archbishop of York and the two other bishops,
who had received the letters he had procured from
Alexander against them, notifying to him the ap-
peal they had made to his Holiness from the sen-
tence there past upon them. At the same time
also came officers from the young king, who in the
name of that prince commanded him to absolve
the above-mentioned prelates, *because what was*
done against them was an injury to the king, and
tended to the subversion of the laws of the kingdom;
promising, in case he obeyed this order, that the
two bishops should come to him after they had re-
ceived absolution, and willingly submit to the
canons of the church, *saving the honour of the king-*
dom. To which he replied, “ It was not in the
“ power of an inferior judge to release from the
“ sentence of a superior, and that no man could
“ abrogate what the apostolick see had decreed.”
But by the pope’s letters themselves it manifestly V. Epist. 73.
appeared, that it was in his power to release the ibid.
two bishops of London and Salisbury, though not
the archbishop of York, whom his Holiness singly
reserved to his own judgment. The king’s officers V. Epist. 68.
insisting that he should perform it, and adding 69. l. v.
very high menaces of what would be done to him,
if he obstinately persisted in disobedience, he said
at last, that if the bishops of London and Salisbury
would take an oath before him, according to the
usual form of the church, to obey the pope’s in-
junctions in this affair, he would, for the peace of
the church, and out of reverence to the king, with
his advice, and with the advice of the bishop of
Winchester and others of his brethren, venture to
absolve them at his own peril. Which being re-
ported to them, the archbishop of York objected,
that

A. D. 1170. that such an oath ought not to be taken without leave of the king, by bishops especially, because it was against the dignity and the laws of the realm. To this Becket replied, that the same bishops had been before excommunicated by him, and were not then absolved without having taken an oath to the same effect: much less could they without it be delivered from a sentence imposed by the pope, *to which neither his, nor any other human authority, could be compared.* Hereupon they determined to take the oath he required: but the archbishop of York very earnestly dissuaded them from it, counselling them rather to go to Henry in France, and send messengers to his son, in order to shew him, that Becket, by these violent proceedings, was endeavouring *to tear the crown from his head.* Of which that prelate complained to Alexander, saying, “he called God to witness, that, instead of desiring to take this kingdom from the young man, he wished him more and greater, *if he would be serviceable to the church.*” But (omitting any observations upon the nature and latitude of *this condition*) it is certain the acts done by him had an appearance which might reasonably alarm that prince. The two bishops, convinced by the archbishop of York, resolved to go immediately over to Henry, and dispatch the archdeacon of Canterbury to his son. A few days afterwards Becket sent a message to the latter excusing what he had done; but audience was denied to his messenger. He then resolved to go himself to the palace of Woodstock, where the young king resided, designing to make him a present of three fine horses. In his way, he passed through London, attended by some knights who held of the see of Canterbury, and a great train of other followers. His father and most of his family having been citizens, he was particularly popular there; so that he made his entrance into the capital with
a vast

V. Epist 64.
73. l. v.

V. Quadri-
log us.

a vast mob at his heels, among whom were some A. D. 1170. citizens of a better condition than the rest, who were afterwards questioned for it; but the prosecution was let drop. He had designed, in like V. Stephen. p. 77. manner, to go through his whole province, and to exercise therein with the utmost severity both his metropolitan and legantine powers. But early the next morning an order was sent from Woodstock to stop his progress, and forbid him to enter any of the king's cities or castles; commanding that he should retire, with all who belonged to him, within the verge of his church. Which order he declared, *he would not have obeyed*, thinking it his duty to visit every part of his province, if the feast of our Saviour's birth had not been so near, upon which solemn occasion he intended to officiate himself in his church. Having made this haughty answer, he went back to Canterbury, where he was V. Epist. 64. l. v. visited by few persons of rank or consideration, and every thing seemed to threaten him with very ill consequences from the imprudence of his conduct. But amidst the fears of all his friends he alone was undaunted, either from confidence in the protection of the pope and his order, or from his natural intrepidity, or perhaps from the heat of an enthusiastical spirit, which desired to suffer martyrdom in what was accounted, by the zealots of those times, the cause of God. On Christmas Day he preached in the church of Canterbury, and at the end of his sermon told the congregation, *that his dissolution was near, and he should quickly depart from them.* At this many of them wept; when suddenly changing his looks and voice he vehemently inveighed against the vices of the age, and thundered out an anathema in general terms against almost all King Henry's court. Then lighting the candles he by name excommunicated Ranulf de V. Quad. l. Broc, and Robert his brother, the latter of whom had been guilty of no other offence, than
the

A. D. 1170. the having cut off the tail of one of his sumpter horses the day before. But to his pride there could not be a more unpardonable sin than such an affront.

While he was thus preparing himself for that martyrdom which he said he expected, the archbishop of York and the bishops of London and Salisburi had gone over to Normandy, and at the feet of the king implored his justice and clemency, for themselves, for his whole clergy, and for his kingdom. When he had heard their complaints he was extremely incensed, and said, that, *if all who consented to his son's coronation were to be excommunicated; by the eyes of God, he himself should not be excepted.* The archbishop however entreated him to proceed with discretion and temper in this business. But not being able to master the violence of his passion, he broke out into furious expressions of anger, saying, "that a man whom he had raised from the dust trampled upon the whole kingdom, dishonoured the whole royal family, had driven him and his children from the throne, and triumphed there unresisted; and, *that he was very unfortunat*

to have maintained so many cowardly and ungrateful men in his court, none of whom would revenge him of the injuries he sustained from one turbulent priest." Having thus vented his rage, he thought no more of what he had said; but, unhappily for him, his words were taken notice of, by some of those pests of a court, who are ready to catch at every occasion of serving the passions of a prince to the prejudice of his honour and interest. Four gentlemen of his bedchamber, knights and barons of the kingdom, Reginald Fitz-urse, William de Tracy, Hugh de Moreville, and Richard Brito, making no difference between a sally of anger, and a settled intention to command a wicked action, thought they should much oblige the king by murdering Becket. Nevertheless it appears,

V. Quadril.
Ed. Grime,
e Cod. Ma-
nuscript.
penes R. S.
Londini.

V. Gervase,
Quadrilogus

appears, that they rather desired to induce that pre-
 late, by threats and pretended orders from the
 king, to take off the censures which he had laid
 on the bishops; or, in case of his refusal, to car-
 ry him forcibly out of the kingdom: but if, from
 his resistance, they could not succeed in either of
 these purposes, they resolved, and even bound
 themselves by an execrable oath, to put him to
 death. Thus determined they passed hastily over
 to England, without the king's knowledge, and
 went to a castle belonging to Ranulf de Broc, a-
 bout six miles from Canterbury, where they staid
 all the night, in consultation with him and Robert
 his brother, by what methods they should execute
 their flagitious undertaking. Ranulf had under
 his orders a band of soldiers, who had been em-
 ployed for some time in guarding the coast. They
 agreed to take along with them a number of these,
 sufficient to hinder the citizens of Canterbury, or
 any of the knights of Becket's household, from at-
 tempting to aid him; and on the following day,
 being the twenty-ninth of December in the year
 eleven hundred and seventy, they came to Canter-
 bury, concealing their arms as much as was possi-
 ble, and dividing their followers into many small
 parties, that they might give no alarm. Presently
 afterwards the four knights entered the palace un-
 armed, and a message being sent by them to ac-
 quaint the archbishop, that they were come to
 speak with him on the part of the king their mas-
 ter, he admitted them into his chamber, where
 they found him in conversation with some of his
 clergy. They sat down before him without return-
 ing his salutation; and, after a long silence, Re-
 ginald Fitzurse said to him, "We bring you or-
 ders from the king. Will you hear them in pub-
 lick, or in private?" Becket answered, "that
 should be as pleased them best." Fitzurse then
 desiring him to dismiss all his company, he bid
 them

A. D. 1170.
 V. Edw.
 Grime,
 Quadrilog.

V. Epist. 70.
 l. v.
 V. Edw.
 Grime,
 Quadrilog.
 Hoveden.
 Gervase.

A. D. 1170 them leave the room ; but the porter kept the door open ; and after the above-mentioned gentleman had delivered a part of what he called the king's orders, Becket, fearing some violence from the rough manner in which he spoke, called in again all the clergy who were in the antichamber, and told the four knights, that whatever they had to inform him of might be said in their presence. Whereupon Fitzurse commanded him in the name of the king to release the excommunicated and suspended bishops. He said, the pope, not he, had past that sentence upon them, nor was it in his power to take it off. They replied, it was inflicted by his procurement. To which he boldly made answer, that if the pope had been pleased thus to revenge the injury done to his church, he confessed, *it did not displease him*. These words gave occasion to very bitter reproaches from the rage of Fitzurse. He charged the archbishop with having violated the reconciliation so lately concluded, and having formed a design *to tear the crown from the head of the young king*. Becket made answer, that *saving the honour of God, and his own soul*, he earnestly desired to place many more crowns upon the head of that prince, instead of taking this off, and loved him more tenderly, than any other man could, except his royal father.

A vehement dispute then arose between Fitzurse and him, about some words which he affirmed the king to have spoken, on the day when his peace was made, permitting him to obtain what reparation or justice he could from the pope, against those bishops who had invaded the rights of his see, and even promising to assist him therein ; for the truth of which he appealed to Fitzurse himself, as having been present. But that gentleman constantly denied that he had heard it, or any thing like it, and urged the great improbability that the king should have consented to give up his friends to

Becket's

Becket's revenge for what they did by his orders. A. D. 1170.
 And certainly, if it was true, one cannot but wonder, that the archbishop should not have mentioned it in any one of his letters, and particularly in the account which he wrote to the pope of all that passed on that day! The words he repeated there, as spoken by Henry, even admitting that they were given without any exaggeration, would not authorise the construction he now put upon them. But that he himself did not believe he had such a permission appears from the apprehensions he expressed to his Holiness, in a subsequent letter, of the offence that he should give to the king by these acts, and from the extraordinary care he took to conceal his intention till after he had performed it. V. Epist. 45. l. v. V. Append. V. Epist. 52. l. v.

Their conversation concerning this matter being ended, the four knights declared to him, it was the king's command, that he and all who belonged to him should depart out of the kingdom: for that neither he nor his should any longer enjoy the peace he had broken. He replied, that he would never again put the sea between him and his church: adding, that it would not have been for the honour of the king to have sent such an order. They said, they would prove that they had brought it from the king, and urged, as a reason for it, Becket's having opprobriously cast out of the church, at the instigation of his own furious passions, the ministers and domestick servants of the king; whereas he ought to have left their examination and punishment to the royal justice. He answered with warmth, that if any man whatsoever presumed to infringe the laws of the holy Roman see, or the rights of the church of Christ, and did not voluntarily make satisfaction, he would not spare such an offender, nor delay any longer to pronounce ecclesiastical censures against him. They

Vid. author. res citatos ut supra.

VOL. II. T t immediately

A. D. 1170. immediately rose up, and going nearer to him said,
*"We give you notice that you have spoken to the peril
 of your head."* His answer was, *"Are you come
 to kill me? I have committed my cause to the su-
 preme judge of all, and am therefore unmoved at
 your threats. Nor are your swords more ready to
 strike than my mind is to suffer martyrdom."* At
 these words one of them turned to the ecclesiasticks
 there present, and in the name of the king com-
 manded them to secure the person of Becket; de-
 claring, they should answer for him, if he escap-
 ed. Which being heard by him, he asked the
 knights, *"Why any of them should imagine he
 intended to fly! Neither for fear of the king, nor
 of any man living, will I (says he) be driven to
 flight. I come not hither to fly, but to stand the
 malice of the impious, and the rage of assassins."*
 Upon this they went out and commanded the
 knights of his household, at the peril of their lives,
 to go with them, and wait the event in silence
 and tranquillity. Proclamation was likewise made
 to the same effect in the city. After their depar-
 ture John of Salisbury reprov'd the primate for
 having spoken to them so sharply, and told him,
 he would have done better, if he had taken coun-
 sel of his friends what answer to make. But he
 replied, *"There is no want of more counsel. What
 I ought to do I well know."* Intelligence being
 brought to him that the four knights were arming;
 he said with an air of unconcern, *"What matters
 it? let them arm."* Nevertheless some of the
 servants shut and barred the abbey-gate: after
 which, the monks who were with him, alarmed
 at his danger, led him into the church, where the
 evening service was performing, by a private way
 through the cloysters:

The knights were now come before the gate of
 the abbey, and would have broke it open with in-

The

V. Edw.
 Grime,
 Gervase,
 Quadrilogus

V. Epist. 70.
 l. v. e Cod.
 Vaticano.

Vit S. T.
 præfix. Epist

struments they had brought for that purpose : but A. D. 1170.
 Robert de Broc, to whom the house was better known, shewed them a passage through a window, by which they got in, and, not finding Becket in any chamber of the palace, followed him to the cathedral. When the monks within saw them coming, they hastened to lock the door ; but the archbishop forbad them to do it, saying, "*You ought not to make a castle of the church. It will protect us sufficiently without being shut : nor did I come hither to resist, but to suffer.*" Which they not regarding, he himself opened the door, called in some of the monks, who stood without, and then went up to the high altar.

The knights, finding no obstacle, rushed into the choir, and, brandishing their weapons exclaimed, "Where is Thomas Becket? where is that traitor to the king and kingdom?" at which he making no answer, they called out more loudly, "Where is the archbishop?" He then turned, and coming down the steps of the altar, said, "Here am I, no traitor, but a priest. What would you have with me? *I am ready to suffer in the name of him who redeemed me with his blood. God forbid that I should fly for fear of your swords, or recede from justice.* They once more commanded him to take off the excommunication and suspension of the bishops. He replied, "No satisfaction has yet been made ; nor will I absolve them. Then (said they) thou shalt instantly die, according to thy desert." "*I am ready to die* (answered he) *that the church may obtain liberty and peace in my blood. But, in the name of God, I forbid you to hurt any of my people.*" They now rushed upon him, and endeavoured to drag him out of the church, with an intention (as they afterwards declared themselves) to carry him in bonds to the king ; or, if

T t 2

they

A. D. 1170. they could not do that, to kill him in a less sacred place. But he clinging fast to one of the pillars of the choir, they could not force him from thence. During the struggle he shook William de Tracey so roughly, that he almost threw him down; and as Reginald Fitzurse prest harder upon him than any of the others, he thrust him away, and called him *pimp*. This opprobrious language more enraged that violent man; he lifted up his sword against the head of Becket, who then bowing his neck, and joining his hands together, in a posture of prayer, recommended his own soul, and the cause of the church, to God, and to the saints of that cathedral. But one of the monks of Canterbury interposing his arm to ward off the blow, it was almost cut off; and the archbishop also was wounded in the crown of his head. He stood a second stroke, which likewise fell on his head, in the same devout posture, without a motion, word, or groan: but, after receiving a third, he fell prostrate on his face; and all the accomplices pressing now to a share in the murder, a piece of his skull was struck off by Richard Brito. Lastly, Hugh the subdeacon, who had joined himself to them at Canterbury, scooped out the brains of the dead archbishop with the point of a sword, and scattered them over the pavement.

V. Edw.
Grime, ut
supra.

Thus in the fifty third year of his age, was assassinated Thomas Becket; a man of great talents, of elevated thoughts, and of invincible courage; but of a most violent and turbulent spirit; excessively passionate, haughty, and vain-glorious; in his resolutions inflexible, in his resentments implacable. It cannot be denied that he was guilty of a wilful and premeditated perjury; that he opposed necessary course of publick justice, and acted in defiance to the laws of his country; laws which he had most solemnly acknowledged and confirmed:

nor

nor is it less evident, that, during the heat of this dispute, he was in the highest degree ungrateful to a very kind master, whose confidence in him had been boundless, and who from a private condition had advanced him to be the second man in his kingdom. On what motives he acted can be certainly judged of by Him alone, *to whom all hearts are open*. He might be misled by the prejudices of a bigotted age, and think he was doing an acceptable service to God, in contending, even to death, for the utmost excess of ecclesiastical and papal authority. Yet the strength of his understanding his conversation in courts and camps, among persons whose notions were more free and enlarged, the different colour of his former life, and the suddenness of the change which seemed to be wrought in him upon his election to Canterbury, would make one suspect, as many did in the times wherein he lived, that he only became the champion of the church from an ambitious desire of sharing its power; a power more independant on the favour of the king, and therefore more agreeable to the haughtiness of his mind, than that which he had enjoyed a minister of the crown. And this suspicion is encreased by the marks of cunning and falseness, which are evidently seen in his conduct on some occasions. Neither is it impossible, that, when first he assumed his new character, he might act the part of zealot, merely or principally from motives of arrogance and ambition; yet, afterwards, being engaged, and inflamed by the contest, work himself up into a real enthusiasm. The continual praises of those with whom he acted, the honours done him in his exile by all the clergy of France, and the vanity which appears so predominant in his mind may have conduced to operate such a charge. He certainly shewed in the latter part of his life a spirit as fervent as the warmest enthusiast's;

A. D. 1170. enthusiast's, such a spirit indeed as constitutes *heroism*, when it exerts itself in a cause beneficial to mankind. Had he defended the established laws of his country, and the fundamental rules of civil justice, with as much zeal and intrepidity as he opposed them, he would have deserved to be ranked with those great men, whose virtues make one easily forget the allay of some natural imperfections: but, unhappily, his good qualities were so misapplied, that they became no less hurtful to the public weal of the kingdom, than the worst of his vices.

*End of the THIRD BOOK of the History of the
Life of King HENRY the Second.*

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